



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8001

PAG LIN

1 1 Amend House File 2033 as follows:
1 2 #1. Page 1, line 33, after <Secondary> by
1 3 inserting <Education>

WENDT of Woodbury
LSB 5609HV.40 (5) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8002

PAG LIN

1 1 Amend House File 2033 as follows:
1 2 #1. Page 1, by striking lines 16 through 19 and
1 3 inserting <intervention to be implemented.>

FORD of Polk
LSB 5609HV.47 (2) 83
rj/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8003

PAG LIN

1 1 Amend House File 2033 as follows:
1 2 #1. Page 1, line 3, by striking <a. >
1 3 #2. By striking page 1, line 11, through page 2,
1 4 line 4.

FORD of Polk
LSB 5609HV.46 (2) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8004

PAG LIN

1 1 Amend House File 2030 as follows:
1 2 #1. Page 2, after line 35 by inserting: Sec. ____.
1 3 Section 257.31, Code Supplement 2009,
1 4 is amended by adding the following new subsection:
1 5 NEW SUBSECTION. 7A. A school district may annually
1 6 request that the school budget review committee
1 7 approve the cash sale of up to the value of one million
1 8 dollars of unused spending authority to a second
1 9 school district, and the purchasing school district
1 10 may use the equivalent value of the purchased spending
1 11 authority in its school district. >

RANTS of Woodbury
LSB 5835HV.55 (2) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8005

PAG LIN

1 1 Amend House File 2032 as follows:
1 2 #1. Page 1, by striking lines 1 through 8 and
1 3 inserting:
1 4 <Section 1. Section 257.8, subsection 2, Code
1 5 Supplement 2009, is amended to read as follows:
1 6 2. Categorical state percent of growth. The
1 7 categorical state percent of growth for the budget
1 8 year beginning July 1, 2010, is two percent. The
1 9 categorical state percent of growth for ~~each a~~ budget
1 10 year shall be established by statute which shall
1 11 be enacted within thirty days of the submission in
1 12 ~~the year preceding~~ the base year of the governor's
1 13 budget under section 8.21. The establishment of the
1 14 categorical state percent of growth for a budget year
1 15 shall be the only subject matter of the bill which
1 16 enacts the categorical state percent of growth for a
1 17 budget year. The categorical state percent of growth
1 18 may include state percents of growth for the teacher
1 19 salary supplement, the professional development
1 20 supplement, and the early intervention supplement. >
1 21 #2. Title page, by striking lines 1 through 4
1 22 and inserting: <An Act modifying the deadline for
1 23 establishment of the categorical state percent of
1 24 growth for purposes of the state school foundation
1 25 program and including effective date provisions.>

RANTS of Woodbury

MAY of Dickinson

DOLECHECK of Ringgold
LSB 5722HV.56 (3) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8006

PAG LIN

1 1 Amend House File 2033 as follows:
1 2 #1. Page 1, line 3, by striking <a.>
1 3 #2. By striking page 1, line 11, through page 2,
1 4 line 4.

KOESTER of Polk
LSB 5609HV.50 (1) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8007

PAG LIN

1 1 Amend House File 2033 as follows:
1 2 #1. Page 2, after line 4 by inserting: Sec. ____.
1 3 Section 256.22, Code 2009, is amended
1 4 to read as follows:
1 5 256.22 ~~Extended~~ Frontier school and extended year
1 6 school grant program.
1 7 1. Subject to an appropriation of sufficient
1 8 funds by the general assembly, the department shall
1 9 establish ~~an a frontier school and~~ extended year
1 10 school grant program to provide for the allocation
1 11 of grants to school districts, or a collaboration of
1 12 school districts, to provide technical assistance
1 13 for conversion of an existing school to a frontier
1 14 school or an extended school year calendar, or for
1 15 investigating the possibility of converting an existing
1 16 school within a district to a frontier school or an
1 17 extended school year calendar. The school district
1 18 or collaboration of school districts shall agree to
1 19 appoint a planning committee composed of parents,
1 20 guardians, teachers, administrators, and individuals
1 21 representing business, and the local community. The
1 22 school district or collaboration shall also indicate
1 23 in its request its intention to use any grant moneys
1 24 received under this section to examine, at a minimum,
1 25 all of the following:
1 26 a. Mission and instructional focus of the school.
1 27 b. Organizational structure and management of the
1 28 school.
1 29 c. Impact of labor agreements and contracts on the
1 30 success of the school.
1 31 d. Roles and responsibilities of all involved
1 32 constituencies.
1 33 e. Arrangements for special needs students.
1 34 f. Connection of the school to the district.
1 35 g. Facility and operation costs.
1 36 h. Measurement of results including student
1 37 achievement results.
1 38 2. Grant moneys shall be distributed to qualifying
1 39 school districts by the department no later than
1 40 October 15, ~~1999~~ 2010. Grant amounts shall be
1 41 distributed as determined by the department. Not
1 42 more than fifteen of the grants awarded per year in
1 43 accordance with this section shall be used for purposes
1 44 of frontier school planning or conversion.
1 45 3. By February 15, ~~1999~~ 2011, a school district
1 46 or collaboration of districts receiving moneys under
1 47 this section shall submit an interim report to the
1 48 department describing the planning activities conducted
1 49 by the school district or the collaboration and
1 50 providing preliminary conclusions. The school district



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8007 continued

2 1 or collaboration shall submit a final report by June
2 2 1, ~~1999~~ 2011, to the department. The department shall
2 3 summarize the school district reports in a final report
2 4 to the ~~chairpersons and ranking members of the house~~
2 5 ~~and senate standing education committees general~~
2 6 ~~assembly~~ by January 1, ~~2000~~ 2012.

2 7 4. For purposes of this section, "frontier
2 8 school" means a school that is nonsectarian in its
2 9 program, admission policies, employment practices, and
2 10 all other operations. The school is a public school
2 11 and is part of the state's system of public education.
2 12 The primary focus of a frontier school shall be to
2 13 provide a comprehensive program of instruction for at
2 14 least one grade or age group from five through eighteen
2 15 years of age. Frontier schools may be designed to
2 16 allow significant autonomy to the schools. However,
2 17 frontier schools shall be accountable for significant
2 18 results.

2 19 5. Except as provided in this subsection, frontier
2 20 schools are exempt from all statutes and rules
2 21 applicable to a school, a school board, or a school
2 22 district, although a frontier school may elect to
2 23 comply with one or more provisions of statute or rule.
2 24 However, a frontier school shall meet all applicable
2 25 state and local health and safety requirements; the
2 26 frontier school shall be organized and operated as a
2 27 nonprofit cooperative association under chapter 498 or
2 28 nonprofit corporation under chapter 504; the provisions
2 29 of chapters 21 and 22 shall apply to meetings and
2 30 records of the frontier school board; and frontier
2 31 schools are subject to and shall comply with chapters
2 32 216 and 216A relating to civil and human rights, and
2 33 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4,
2 34 relating to suspension and expulsion of a student. The
2 35 frontier school shall employ or contract with necessary
2 36 teachers, as defined in section 272.1, who hold a valid
2 37 license with an endorsement for the type of service for
2 38 which the teacher is employed. Frontier schools are
2 39 subject to the same financial audits, audit procedures,
2 40 and audit requirements as a school district. The
2 41 audits shall be consistent with the requirements of
2 42 sections 11.6, 11.14, 11.19, 256.9, subsection 19, and
2 43 section 279.29, except to the extent deviations are
2 44 necessary because of the program at the school. The
2 45 department, auditor of state, or the legislative fiscal
2 46 bureau may conduct financial, program, or compliance
2 47 audits. The provisions of chapter 20 shall not apply
2 48 to the board of directors of a frontier school or its
2 49 employees.

2 50 6. Notwithstanding section 8.33, unencumbered or



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Amendment 8007 continued

3 1 unobligated funds remaining on June 30 of the fiscal
3 2 year for which the funds were appropriated shall not
3 3 revert but shall be available for expenditure for the
3 4 following fiscal year for purposes of this section. >
3 5 #2. Title page, line 2, after <schools,> by
3 6 inserting <the establishment of a frontier school or
3 7 extended year school grant program,>
3 8 #3. By renumbering as necessary.

DOLECHECK of Ringgold
LSB 5609HV.60 (3) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Amendment 8008

PAG LIN

1 1 Amend House File 2031 as follows:
1 2 #1. Page 1, by striking lines 1 through 9 and
1 3 inserting: Sec. ____.
1 4 Section 257.8, subsection 1, Code
1 5 Supplement 2009, is amended to read as follows:
1 6 1. State percent of growth. The state percent
1 7 of growth for the budget year beginning July 1,
1 8 2009, is four percent. The state percent of growth
1 9 for the budget year beginning July 1, 2010, is
1 10 two percent. The state percent of growth for ~~each~~
~~1 11 subsequent~~ a budget year shall be established by
1 12 statute which shall be enacted within thirty days of
1 13 the submission in ~~the year preceding~~ the base year
1 14 of the governor's budget under section 8.21. The
1 15 establishment of the state percent of growth for a
1 16 budget year shall be the only subject matter of the
1 17 bill which enacts the state percent of growth for a
1 18 budget year. >
1 19 #2. Title page, by striking lines 1 through 4
1 20 and inserting: <An Act modifying the deadline for
1 21 establishment of the state percent of growth for
1 22 purposes of the state school foundation program and
1 23 including effective date provisions.>

RANTS of Woodbury

MAY of Dickinson

DOLECHECK of Ringgold
LSB 5282HV.57 (5) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2034 - Introduced

HOUSE FILE
BY ABDUL-SAMAD

A BILL FOR

1 An Act prohibiting the imposition by a dental plan of fee
2 schedules for the provision of dental services that are not
3 covered by the plan.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5299YH (4) 83
av/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House File 2034 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.3B Dental coverage == fee
 1 2 schedules.
 1 3 1. A contract between a dental plan and a dentist for the
 1 4 provision of services to covered individuals under the plan
 1 5 shall not require that a dentist provide services to those
 1 6 covered individuals at a fee set by the dental plan unless such
 1 7 services are covered services under the dental plan.
 1 8 2. A person or entity providing third-party administrator
 1 9 services shall not make available any dentists in its dentist
 1 10 network to a dental plan that does any of the following:
 1 11 a. Sets fees for dental services that are not covered
 1 12 services.
 1 13 b. Sets fees for dental services that exceed the maximum fee
 1 14 for dental services covered by the dental plan.
 1 15 3. For the purposes of this section:
 1 16 a. "Covered services" means services reimbursed under the
 1 17 dental plan.
 1 18 b. "Dental plan" means any policy or contract of insurance
 1 19 which provides for coverage of dental services not in
 1 20 connection with a medical plan that provides for the coverage
 1 21 of medical services.

EXPLANATION

1 22
 1 23 This bill creates new Code section 514C.3B which prohibits
 1 24 a dental plan from setting fee schedules for participating
 1 25 dentists for the provision of dental services that are not
 1 26 covered by the plan. The bill also prohibits a third-party
 1 27 administrator from making a dentist in its provider network
 1 28 available to a dental plan that sets fees for services that are
 1 29 not covered or sets fees for dental services that exceed the
 1 30 maximum fee for dental services covered by the dental plan.

1 31 For the purposes of the bill, a "covered service" is a
 1 32 service reimbursed under the applicable dental plan. A "dental
 1 33 plan" is any policy or contract of insurance which provides for
 1 34 coverage of dental services not in connection with a medical
 1 35 plan which provides for the coverage of medical services.

LSB 5299YH (4) 83

av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2035 - Introduced

HOUSE FILE
BY BELL

A BILL FOR

1 An Act relating to the license or authorization issued to a
2 person who qualifies as a driver education instructor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5027YH (7) 83
kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2035 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.178, subsection 1, paragraphs b and
1 2 c, Code 2009, are amended to read as follows:

1 3 b. (1) To be qualified as a classroom driver education
1 4 instructor, a person shall have satisfied the educational
1 5 requirements for a teaching license at the elementary or
1 6 secondary level and hold a valid license to teach driver
1 7 education in the public schools of this state.

1 8 (2) (a) Street or highway driving instruction may be
1 9 provided by a person qualified as a classroom driver education
1 10 instructor or a person certified by the department and
1 11 authorized by the board of educational examiners. A person
1 12 shall not be required to hold a current Iowa teacher or
1 13 administrator license at the elementary or secondary level or
1 14 to have satisfied the educational requirements for an Iowa
1 15 teacher license at the elementary or secondary level in order
1 16 to be certified by the department or authorized by the board
1 17 of educational examiners to provide street or highway driving
1 18 instruction.

1 19 (b) The department shall adopt rules pursuant to chapter
1 20 17A to provide for certification of persons qualified to
1 21 provide street or highway driving instruction. The board of
1 22 educational examiners shall adopt rules pursuant to chapter
1 23 17A to provide for authorization of persons certified by the
1 24 department to provide street or highway driving instruction.

1 25 (3) A license or authorization issued by the board of
1 26 educational examiners pursuant to this lettered paragraph shall
1 27 not be denied, suspended, or revoked solely because a person
1 28 is involved in a traffic accident if all of the following
1 29 conditions exist:

1 30 (a) A police authority responded to the traffic accident.

1 31 (b) The department or a police authority has identified the
1 32 site of the traffic accident as a high accident location under
1 33 certain weather conditions or due to construction and such
1 34 condition existed at the time of the traffic accident.

1 35 (c) Two or more parties were cited by the police authority



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2035 - Introduced continued

2 1 for contributing to the accident.
2 2 (d) The department certifies to the board of educational
2 3 examiners that the person has had no other moving violations
2 4 within the past five years on the person's driving record.
2 5 (e) The traffic accident did not result in injury to or the
2 6 death of a person.
2 7 c. Every public school district in Iowa shall offer or make
2 8 available to all students residing in the school district or
2 9 Iowa students attending a nonpublic school in the district an
2 10 approved course in driver education. The receiving district
2 11 shall be the school district responsible for making driver
2 12 education available to a student participating in open
2 13 enrollment under section 282.18. The courses may be offered
2 14 at sites other than at the public school, including nonpublic
2 15 school facilities within the public school districts. An
2 16 approved course offered during the summer months, on Saturdays,
2 17 after regular school hours during the regular terms or partly
2 18 in one term or summer vacation period and partly in the
2 19 succeeding term or summer vacation period, as the case may
2 20 be, shall satisfy the requirements of this section to the
2 21 same extent as an approved course offered during the regular
2 22 school hours of the school term. A student who successfully
2 23 completes and obtains certification in an approved course in
2 24 driver education or an approved course in motorcycle education
2 25 may, upon proof of such fact, be excused from any field test
2 26 which the student would otherwise be required to take in
2 27 demonstrating the student's ability to operate a motor vehicle.
2 28 A student shall not be excused from any field test if a parent,
2 29 guardian, or instructor requests that a test be administered.
2 30 ~~Street or highway driving instruction may be provided by a~~
~~2 31 person qualified as a classroom driver education instructor~~
~~2 32 or a person certified by the department and authorized by the~~
~~2 33 board of educational examiners. A person shall not be required~~
~~2 34 to hold a current Iowa teacher or administrator license at~~
~~2 35 the elementary or secondary level or to have satisfied the~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

~~House File 2035 — Introduced continued~~

~~3 1 educational requirements for an Iowa teacher license at the
3 2 elementary or secondary level in order to be certified by
3 3 the department or authorized by the board of educational
3 4 examiners to provide street or highway driving instruction. A
3 5 final field test prior to a student's completion of an
3 6 approved course shall be administered by a person qualified
3 7 as a classroom driver education instructor. The department
3 8 shall adopt rules pursuant to chapter 17A to provide for
3 9 certification of persons qualified to provide street or highway
3 10 driving instruction. The board of educational examiners
3 11 shall adopt rules pursuant to chapter 17A to provide for
3 12 authorization of persons certified by the department to provide
3 13 street or highway driving instruction.~~

3 14 EXPLANATION

3 15 This bill establishes that, when certain conditions exist,
3 16 the license or authorization that the board of educational
3 17 examiners issues to persons who are qualified as driver
3 18 education instructors shall not be denied, suspended,
3 19 or revoked solely because the applicant or license or
3 20 authorization holder was involved in a traffic accident.

3 21 The conditions which must exist include all of the
3 22 following: law enforcement responded to the traffic accident,
3 23 authorities have identified the area where the accident
3 24 occurred as a high accident location, two or more parties were
3 25 cited for contributing to the accident, the department of
3 26 transportation certifies to the board of educational examiners
3 27 that the person has had no other moving violations within
3 28 the past five years on the person's driving record, and the
3 29 accident did not result in injury to or the death of a person.

LSB 5027YH (7) 83

kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2036 - Introduced

HOUSE FILE
BY ABDUL-SAMAD

A BILL FOR

1 An Act relating to the services that may be provided by a
2 registered dental assistant.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5298YH (2) 83
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2036 - Introduced continued

PAG LIN

1 1 Section 1. Section 153.38, Code 2009, is amended to read as
1 2 follows:

1 3 153.38 Dental assistants == scope of practice.

1 4 A registered dental assistant may perform ~~those~~ services of

1 5 assistance to a licensed dentist. Such services include the

1 6 placement of sealants, the removal of supragingival plaque,

1 7 stains, or hard natural or synthetic materials, and other

1 8 services as determined by the board by rule. Such services

1 9 shall be performed under supervision of a licensed dentist in

1 10 a dental office, a public or private school, public health

1 11 agencies, hospitals, and the armed forces, but shall not be

1 12 construed to authorize a dental assistant to practice dentistry

1 13 or dental hygiene. Every licensed dentist who utilizes the

1 14 services of a registered dental assistant for the purpose of

1 15 assistance in the practice of dentistry shall be responsible

1 16 for acts delegated to the registered dental assistant. A

1 17 dentist shall delegate to a registered dental assistant only

1 18 those acts which are authorized to be delegated to registered

1 19 dental assistants in this section and by the board.

1 20 EXPLANATION

1 21 Code section 153.38 currently provides that the dental

1 22 board determines the services that may be performed by a

1 23 dental assistant. This bill specifies that the placement of

1 24 sealants, and the removal of supragingival plaque, stains, or

1 25 hard natural or synthetic materials are services that may be

1 26 provided by an assistant. These services would be in addition

1 27 to those specified in rule.

LSB 5298YH (2) 83

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2037 - Introduced

HOUSE FILE
BY ZIRKELBACH

A BILL FOR

- 1 An Act concerning the purchasing of raffle tickets.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5313HH (2) 83
ec/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2037 - Introduced continued

PAG LIN

1 1 Section 1. Section 99B.17, Code 2009, is amended to read as
1 2 follows:

1 3 99B.17 Gambling on credit unlawful == exception.

1 4 1. A person who tenders and a person who receives any
1 5 promise, agreement, note, bill, bond, contract, mortgage or
1 6 other security, or any negotiable instrument, as consideration
1 7 for any wager or bet, whether or not lawfully conducted or
1 8 engaged in pursuant to this chapter, commits a misdemeanor.
1 9 However, a participant in a bingo occasion or in a contest
1 10 lawful under section 99B.11 may make payment by personal check
1 11 for any entry or participation fee assessed by the sponsor of
1 12 the bingo occasion or contest.

1 13 2. A participant in a raffle conducted by an eligible
1 14 qualified organization may purchase raffle tickets by personal
1 15 check, money order, bank check, cashier's check, electronic
1 16 check, credit card, or debit card for one raffle conducted by
1 17 the eligible qualified organization during a calendar year.
1 18 The department shall adopt rules setting minimum standards
1 19 concerning the purchase of raffle tickets as authorized
1 20 by this section for the protection of personal information
1 21 consistent with payment card industry compliance regulations.
1 22 For purposes of this subsection, an "eligible qualified
1 23 organization" is a qualified organization that has conducted
1 24 a raffle pursuant to section 99B.7 during the previous eight
1 25 consecutive calendar years in which the net proceeds are
1 26 distributed to a museum.

1 27 EXPLANATION

1 28 This bill authorizes a participant in a raffle conducted
1 29 by an eligible qualified organization to purchase raffle
1 30 tickets by check, money order, credit card, or debit card for
1 31 one raffle per calendar year. The bill defines an eligible
1 32 qualified organization as a qualified organization that has
1 33 conducted a raffle during the previous eight consecutive
1 34 calendar years in which the net proceeds are distributed to a
1 35 museum. Current law makes it a misdemeanor to gamble or wager



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House File 2037 - Introduced continued

2 1 on credit. The bill requires the department of inspections
2 2 and appeals to adopt rules regarding the purchase of raffle
2 3 tickets on credit to include protection of personal information
2 4 consistent with payment card industry regulations.
LSB 5313HH (2) 83
ec/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2038 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act relating to Iowa's landlord and tenant law by amending
2 requirements for rental deposits, providing for the
3 imposition of punitive damages, and including applicability
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5203HH (13) 83
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2038 - Introduced continued

PAG LIN

1 1 Section 1. Section 562A.12, subsection 2, Code 2009, is
1 2 amended to read as follows:

1 3 2. All rental deposits shall be held by the landlord
1 4 for the tenant, who is a party to the agreement, in a bank
1 5 or savings and loan association or credit union which is
1 6 insured by an agency of the federal government. Rental
1 7 deposits shall not be commingled with the personal funds of
1 8 the landlord. Notwithstanding the provisions of chapter 543B,
1 9 all rental deposits may be held in a trust account, which
1 10 may be a common trust account and which may be an ~~interest~~
~~1 11 bearing~~ interest-bearing account. Any interest earned on
1 12 a rental deposit during the first ~~five~~ three years of a
1 13 tenancy shall be the property of the landlord. Beginning
1 14 with the fourth year, rental deposits shall be held in an
1 15 interest-bearing account and the tenant shall accrue interest
1 16 on a rental deposit held by a landlord at a rate of five percent
1 17 per annum, compounded annually.

1 18 Sec. 2. Section 562A.12, subsection 3, unnumbered paragraph
1 19 1, Code 2009, is amended to read as follows:

1 20 A landlord shall, within thirty days from the date of
1 21 termination of the tenancy and receipt of the tenant's mailing
1 22 address or delivery instructions, return the rental deposit and
1 23 any interest accrued by the tenant under subsection 2 to the
1 24 tenant or furnish to the tenant a written statement showing
1 25 the specific reason for withholding of the rental deposit or
1 26 any portion thereof and return any interest accrued by the
1 27 tenant under subsection 2. Interest accrued by a tenant under
1 28 subsection 2 is not part of the rental deposit for purposes
1 29 of a landlord withholding an amount for damages under this
1 30 subsection. If the rental deposit or any portion of the rental
1 31 deposit is withheld for the restoration of the dwelling unit,
1 32 the statement shall specify the nature of the damages. The
1 33 landlord may withhold from the rental deposit only such amounts
1 34 as are reasonably necessary for the following reasons:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2038 - Introduced continued

2 1 Sec. 3. Section 562A.12, subsections 4 through 7, Code 2009,
2 2 are amended to read as follows:

2 3 4. A landlord who fails to provide a written statement
2 4 within thirty days of termination of the tenancy and receipt
2 5 of the tenant's mailing address or delivery instructions shall
2 6 forfeit all rights to withhold any portion of the rental
2 7 deposit. If no mailing address or instructions are provided
2 8 to the landlord within one year from the termination of the
2 9 tenancy the rental deposit and any interest accrued by the
2 10 tenant under subsection 2 shall revert to the landlord and
2 11 the tenant will be deemed to have forfeited all rights to the
2 12 rental deposit and accrued interest.

2 13 5. a. Upon termination of a landlord's interest in the
2 14 dwelling unit, the landlord or an agent of the landlord shall,
2 15 within ~~a reasonable time~~ thirty days, transfer the rental
2 16 deposit and any interest accrued by the tenant under subsection
2 17 2, or any remainder after any lawful deductions to the
2 18 landlord's successor in interest and notify the tenant of the
2 19 transfer and of the transferee's name and address or return the
2 20 deposit and any interest accrued by the tenant under subsection
2 21 2, or any remainder after any lawful deductions to the tenant.

2 22 b. Upon the termination of the landlord's interest in
2 23 the dwelling unit ~~and compliance with the provisions of this~~
2 24 ~~subsection~~, the landlord shall be relieved of any further
2 25 liability with respect to the rental deposit.

2 26 6. Upon termination of the landlord's interest in the
2 27 dwelling unit, and notwithstanding the landlord's failure to
2 28 comply with the requirements of subsection 5, the landlord's
2 29 successor in interest shall have all the rights and obligations
2 30 of the landlord with respect to the rental deposits, except
2 31 that if the tenant does not object to the stated amount within
2 32 twenty days after written notice to the tenant of the amount of
2 33 rental deposit being transferred or assumed, the obligations
2 34 of the landlord's successor to return the deposit shall be
2 35 limited to the amount contained in the notice. The notice



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2038 - Introduced continued

3 1 shall contain a stamped envelope addressed to the landlord's
3 2 successor and may be given by mail or by personal service.

3 3 7. The ~~bad-faith~~ bad=faith retention of a deposit
3 4 by a landlord, ~~or~~ any portion of the rental deposit, or
3 5 any interest accrued by the tenant in violation of this
3 6 section shall subject the landlord to, in addition to actual
3 7 damages, punitive damages not to exceed ~~two hundred one~~
3 8 thousand dollars in addition to actual damages or two times the
3 9 amount of actual damages, whichever is greater.

3 10 Sec. 4. Section 562A.21, subsection 4, Code 2009, is amended
3 11 to read as follows:

3 12 4. If the rental agreement is terminated, the landlord
3 13 shall return all prepaid rent, ~~and~~ security, and accrued
3 14 interest recoverable by the tenant under section 562A.12.

3 15 Sec. 5. Section 562A.23, Code 2009, is amended by adding the
3 16 following new subsection:

3 17 NEW SUBSECTION. 1A. A landlord's bad=faith failure to
3 18 supply running water, hot water, or heat, or essential services
3 19 may, in addition to the damages or costs recoverable under
3 20 subsection 1, subject the landlord to punitive damages not to
3 21 exceed one thousand dollars or two times the amount of damages
3 22 or costs under subsection 1, whichever is greater.

3 23 Sec. 6. Section 562A.25, subsection 2, Code 2009, is amended
3 24 to read as follows:

3 25 2. If the rental agreement is terminated, the landlord
3 26 shall return all prepaid rent, ~~and~~ security, and accrued
3 27 interest recoverable under section 562A.12. Accounting for
3 28 rent in the event of termination or apportionment is to occur
3 29 as of the date of the casualty.

3 30 Sec. 7. Section 562A.26, Code 2009, is amended to read as
3 31 follows:

3 32 562A.26 Tenant's remedies for landlord's unlawful ouster,
3 33 exclusion, or diminution of service.

3 34 1. If the landlord unlawfully removes or excludes the tenant
3 35 from the premises or willfully diminishes services to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2038 - Introduced continued

4 1 tenant by interrupting or causing the interruption of electric,
4 2 gas, water, or other essential service to the tenant, the
4 3 tenant may recover possession or terminate the rental agreement
4 4 and, in either case, recover the actual damages sustained by
4 5 the tenant and reasonable attorney's fees. If the rental
4 6 agreement is terminated, the landlord shall return all prepaid
4 7 rent, ~~and~~ security, and accrued interest.

4 8 2. In addition to the actual damages recoverable under
4 9 subsection 1, if a landlord's actions are in bad faith, the
4 10 landlord may be subject to punitive damages not to exceed one
4 11 thousand dollars or two times the amount of actual damages,
4 12 whichever is greater.

4 13 Sec. 8. Section 562A.36, subsection 2, Code 2009, is amended
4 14 to read as follows:

4 15 2. If the landlord acts in violation of subsection 1
4 16 of this section, the tenant may recover from the landlord
4 17 the actual damages sustained by the tenant and reasonable
4 18 attorney's fees, and has a defense in action against the
4 19 landlord for possession. In addition to actual damages and
4 20 reasonable attorney's fees, the landlord may be subject to
4 21 punitive damages not to exceed one thousand dollars or two
4 22 times the amount of actual damages, whichever is greater. In
4 23 an action by or against the tenant, evidence of a ~~good~~
4 24 ~~faith~~ ~~good=faith~~ complaint within one year prior to the
4 25 alleged act of retaliation creates a presumption that the
4 26 landlord's conduct was in retaliation. The presumption does
4 27 not arise if the tenant made the complaint after notice of a
4 28 proposed rent increase or diminution of services. Evidence
4 29 by the landlord that legitimate costs and charges of owning,
4 30 maintaining, or operating a dwelling unit have increased shall
4 31 be a defense against the presumption of retaliation when a
4 32 rent increase is commensurate with the increase in costs and
4 33 charges. "Presumption" means that the trier of fact must find
4 34 the existence of the fact presumed unless and until evidence is
4 35 introduced which would support a finding of its nonexistence.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2038 - Introduced continued

5 1 Sec. 9. APPLICABILITY. Notwithstanding section 562A.37,
5 2 this Act applies to rental agreements entered into, extended,
5 3 or renewed on or after the effective date of the Act.

5 4 EXPLANATION

5 5 This bill amends several provisions of Iowa's landlord
5 6 and tenant law. Current Code section 562A.12, subsection 2,
5 7 provides that interest earned on a rental deposit during the
5 8 first five years of a tenancy is the property of the landlord.
5 9 The bill reduces that time period from five years to three
5 10 years. The bill also provides that beginning with the fourth
5 11 year, a rental deposit must be held in an interest-bearing
5 12 account, and the tenant accrues interest on the rental deposit
5 13 at a rate of five percent per annum, compounded annually.
5 14 The bill provides that interest accrued by a tenant is not
5 15 considered part of the rental deposit for purposes of a
5 16 landlord withholding an amount for damages to the property.
5 17 The bill makes several changes to Code chapter 562A to require
5 18 landlords to return any accrued interest belonging to the
5 19 tenant.

5 20 The bill allows tenants, in certain actions against a
5 21 landlord, to recover punitive damages in an amount not to
5 22 exceed \$1,000 or two times the amount of actual damages,
5 23 whichever is greater. Such punitive damages may be recoverable
5 24 by the tenant in actions relating to a landlord's bad-faith
5 25 retention of a deposit or interest accrued by the tenant, a
5 26 landlord's bad-faith failure to supply running water, hot
5 27 water, heat, or essential services, a landlord's bad-faith
5 28 ouster, exclusion, or diminution of service, or a landlord's
5 29 retaliatory action under Code section 562A.36.

5 30 The bill applies to rental agreements entered into,
5 31 extended, or renewed on or after the effective date of the
5 32 bill.

LSB 5203HH (13) 83
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2039 - Introduced

HOUSE FILE
BY MAY

A BILL FOR

1 An Act relating to an appropriation from the rebuild Iowa
2 infrastructure fund to the department of natural resources
3 for the restoration and renovation of a historical shelter.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5236YH (2) 83
rh/jp



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House File 2039 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT OF NATURAL
1 2 RESOURCES. There is appropriated from the rebuild Iowa
1 3 infrastructure fund to the department of natural resources for
1 4 the fiscal year beginning July 1, 2010, and ending June 30,
1 5 2011, the following amount, or so much thereof as is necessary,
1 6 to be used for the purposes designated:

1 7 For purposes of preserving Iowa's cultural and historical
1 8 resources by supporting the restoration and renovation of a
1 9 civilian conservation corps shelter house located in a park on
1 10 the north shore of a lake in a county with a population between
1 11 16,400 and 16,435:

1 12 \$ 750,000

1 13 For purposes of section 8.33, unencumbered or unobligated
1 14 moneys made from an appropriation in this section shall not
1 15 revert but shall remain available for expenditure for the
1 16 purposes designated until the close of the fiscal year that
1 17 begins July 1, 2014. However, if the project for which such
1 18 appropriation was made is completed in an earlier fiscal year,
1 19 unencumbered or unobligated moneys shall revert at the close of
1 20 that same fiscal year.

1 21 EXPLANATION

1 22 This bill appropriates \$750,000 from the rebuild Iowa
1 23 infrastructure fund to the department of natural resources for
1 24 the fiscal year beginning July 1, 2010, and ending June 30,
1 25 2011, for purposes of preserving Iowa's cultural and historical
1 26 resources by supporting the restoration and renovation of a
1 27 civilian conservation corps shelter house located in a park on
1 28 the north shore of a lake in a county with a population between
1 29 16,400 and 16,435.

1 30 The bill further provides that unencumbered or unobligated
1 31 moneys made from this appropriation do not revert but remain
1 32 available for expenditure for the purposes designated until the
1 33 close of the fiscal year that begins July 1, 2014. However,
1 34 if the project is completed in an earlier fiscal year,
1 35 unencumbered or unobligated moneys revert at the close of that



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House File 2039 - Introduced continued

2 1 same fiscal year.
LSB 5236YH (2) 83
rh/jp



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2040 - Introduced

HOUSE FILE
BY STECKMAN

A BILL FOR

1 An Act relating to the use of certain regular physical plant
2 and equipment levy funds and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5541YH (5) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House File 2040 - Introduced continued

PAG LIN

1 1 Section 1. USE OF PHYSICAL PLANT AND EQUIPMENT LEVY
1 2 FUNDS. Notwithstanding section 298.3 or any other provision
1 3 to the contrary, for the fiscal period beginning July 1, 2010,
1 4 and ending June 30, 2012, regular physical plant and equipment
1 5 levy funds collected during that fiscal period, and the portion
1 6 of any unspent balance in the physical plant and equipment
1 7 levy fund created in section 298A.4 that is attributable to
1 8 the regular physical plant and equipment levy, may be used
1 9 by school districts for any school district general fund
1 10 purpose to the extent the funds are not obligated to pay bonded
1 11 indebtedness.

1 12 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 13 immediate importance, takes effect upon enactment.

1 14 EXPLANATION

1 15 This bill allows school districts to use regular physical
1 16 plant and equipment levy (PPEL) funds and unspent regular
1 17 physical plant and equipment levy funds in the PPEL fund
1 18 created pursuant to Code section 298A.4 for any school district
1 19 general fund purpose, to the extent the PPEL funds are not
1 20 already obligated to pay debt, for the fiscal period beginning
1 21 July 1, 2010, and ending June 30, 2012. The regular PPEL is
1 22 33 1/3 cents per \$1,000 of property value and does not require
1 23 voter approval, pursuant to Code section 298.3. The bill takes
1 24 effect upon enactment.

LSB 5541YH (5) 83

ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 545

HOUSE FILE

BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY CHAIRPERSON
GASKILL)

A BILL FOR

1 An Act authorizing the posting of certain notices, actions, and
2 information on an internet site.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5526HC (5) 83
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 545 continued

PAG LIN

1 1 Section 1. Section 21.4, subsection 4, Code 2009, is amended
1 2 to read as follows:
1 3 4. If another section of the Code requires or authorizes a
1 4 manner of giving specific notice of a meeting, hearing, or
1 5 an intent to take action by a governmental body, compliance
1 6 with that section shall constitute compliance with the notice
1 7 requirements of this section.
1 8 Sec. 2. NEW SECTION. 22A.1 Electronic publication of public
1 9 notices.
1 10 1. For purposes of this section, "municipality" means a
1 11 public body or corporation that has power to levy or certify a
1 12 tax or sum of money to be collected by taxation.
1 13 2.a. A municipality that is required by statute to
1 14 publish or post in a public place a notice, action, or other
1 15 information, may, in lieu of such requirements, post the
1 16 notice, action, or other information on an internet site
1 17 if posting such information on an internet site has been
1 18 authorized, by ordinance or resolution of the governing body of
1 19 the municipality, as a means of official publication.
1 20 b. An ordinance or resolution that authorizes posting on an
1 21 internet site as an official publication shall identify each
1 22 type of notice, action, or information that shall be posted on
1 23 an internet site in lieu of publication. If the municipality
1 24 is a city or a county such authorization shall be by ordinance.
1 25 c. This section shall not apply to the publication of
1 26 notices under chapter 6B, notices provided under the rules of
1 27 civil procedure, or any notice required to be given by personal
1 28 service.
1 29 3. Notices, actions, or other information posted by a
1 30 municipality on an internet site pursuant to this section shall
1 31 include all information otherwise required to be contained in
1 32 the publication and shall comply with all requirements relating
1 33 to the date of publication.
1 34 4. If posting on an internet site is authorized by a
1 35 municipality to satisfy publication requirements, all of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Study Bill 545 continued

2 1 following shall apply:
2 2 a. The internet site shall be operated and maintained by the
2 3 governing body of the municipality.
2 4 b. The internet site shall be accessible at all times by the
2 5 public, including the visually impaired.
2 6 c. The public shall not be charged for access to any notice,
2 7 action, or other information posted on the internet site
2 8 pursuant to this section.
2 9 d. The internet site shall be searchable by keyword, type of
2 10 notice, action, or information, and geographic location.
2 11 e. The notice, action, or other information posted on an
2 12 internet site pursuant to this section shall be maintained
2 13 and accessible through the same internet site address for
2 14 as long as required by law or as long as such information
2 15 is customarily maintained by the municipality, whichever is
2 16 longer.
2 17 f. A notice, action, or other information posted on an
2 18 internet site pursuant to this section by a municipality other
2 19 than a city shall also be made available by the municipality
2 20 in a paper format in the office of the county auditor. A
2 21 notice, action, or other information posted on an internet site
2 22 pursuant to this section by a municipality that is a city shall
2 23 also be made available by the municipality in a paper format in
2 24 the office of the city clerk.
2 25 Sec. 3. Section 49.53, subsection 2, Code Supplement 2009,
2 26 is amended to read as follows:
2 27 2. The notice shall be published in at least one newspaper,
2 28 as defined in section 618.3, which is published in the county
2 29 or other political subdivision in which the election is to
2 30 occur or, if no newspaper is published there, in at least
2 31 one newspaper of substantial circulation in the county or
2 32 political subdivision. For the general election or the primary
2 33 election the foregoing notice shall be published in at least
2 34 two newspapers published in the county. However, if there
2 35 is only one newspaper published in the county, publication



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 545 continued

3 1 in one newspaper shall be sufficient. Compliance with the
3 2 requirements of section 22A.1 shall constitute compliance with
3 3 the publication requirements of this section.

3 4 Sec. 4. Section 279.36, unnumbered paragraph 1, Code 2009,
3 5 is amended to read as follows:

3 6 The requirements of section 279.35 are satisfied by
3 7 publication in at least one newspaper published in the
3 8 district or, if there is none, in at least one newspaper having
3 9 general circulation within the district. Compliance with the
3 10 requirements of section 22A.1 shall constitute compliance with
3 11 the publication requirements of this section.

3 12 Sec. 5. Section 331.305, Code 2009, is amended to read as
3 13 follows:

3 14 331.305 Publication of notices.

3 15 Unless otherwise provided by state law, if notice of an
3 16 election, hearing, or other official action is required by this
3 17 chapter, the board shall publish the notice at least once, not
3 18 less than four nor more than twenty days before the date of the
3 19 election, hearing, or other action, in one or more newspapers
3 20 which meet the requirements of section 618.14. Notice of an
3 21 election shall also comply with section 49.53. Compliance with
3 22 the requirements of section 22A.1 shall constitute compliance
3 23 with the publication requirements of this section.

3 24 Sec. 6. Section 362.3, Code 2009, is amended by adding the
3 25 following new subsection:

3 26 NEW SUBSECTION. 3. Compliance with the requirements of
3 27 section 22A.1 shall constitute compliance with the requirements
3 28 of this section relating to publication in a newspaper and to
3 29 publication by posting.

3 30 EXPLANATION

3 31 This bill relates to the publication of notices, actions,
3 32 and other information by municipalities, as defined in
3 33 the bill. Under the bill, a municipality that is required
3 34 by statute to publish, or post in a public place, a
3 35 notice, action, or other information, may, in lieu of such



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 545 continued

4 1 requirements, post the notice, action, or other information on
4 2 an internet site if posting such information on an internet
4 3 site has been authorized, by ordinance or resolution of
4 4 the municipality and the type of notice, action, or other
4 5 information required to be posted is identified in the
4 6 ordinance or resolution.

4 7 The bill does not allow notices under Code chapter 6B
4 8 ("Procedure Under Eminent Domain"), notices provided under the
4 9 rules of civil procedure, or any notice required to be given
4 10 by personal service to be posted on an internet site in lieu of
4 11 publication or service.

4 12 The bill requires notices, actions, or other information
4 13 posted on an internet site to include all information otherwise
4 14 required to be published and requires compliance with all
4 15 provisions relating to the date of publication.

4 16 The bill also requires an internet site used to post notices,
4 17 actions, and other information to be operated and maintained by
4 18 the governing body of the municipality; accessible at all times
4 19 by the public, including the visually impaired; accessible to
4 20 the public without charge; and searchable. All information
4 21 posted on an internet site under the bill shall be maintained
4 22 and accessible through the same internet site address for
4 23 as long as required by law or as long as such information
4 24 is customarily maintained by the municipality, whichever is
4 25 longer.

4 26 The bill requires a municipality to make all information
4 27 posted on the internet site, in lieu of publication or posting
4 28 in a public place, available in a paper format in the office of
4 29 the county auditor or in the office of the city clerk if the
4 30 municipality is a city.

LSB 5526HC (5) 83
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 546

HOUSE FILE

BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY CHAIRPERSON
GASKILL)

A BILL FOR

1 An Act relating to the approval and use of increased local
2 sales and services tax revenues to fund urban renewal
3 projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5499HC (2) 83
md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 546 continued

PAG LIN

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

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

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

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

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

1 34 c. If no petition is filed pursuant to paragraph "b",
1 35 the council may proceed with consideration of an ordinance



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 546 continued

2 1 authorizing funding of urban renewal projects as provided in
2 2 paragraph "a".

2 3 Sec. 3. Section 423B.10, subsection 3, unnumbered paragraph
2 4 1, Code 2009, is amended to read as follows:

2 5 To determine the revenue increase allocable to the city for
2 6 purposes of subsection 2, revenue amounts shall be calculated
2 7 by the department of revenue as follows:

2 8 Sec. 4. ORDINANCES ADOPTED PRIOR TO EFFECTIVE DATE. The
2 9 amount of the increased local sales and services taxes received
2 10 by a city as the result of an ordinance adopted under chapter
2 11 423B prior to the effective date of this Act that have been
2 12 designated by a city by ordinance to fund urban renewal
2 13 projects pursuant to section 423B.10 shall be deposited in the
2 14 city's special fund created in section 403.19, subsection 2,
2 15 and shall be used to fund urban renewal projects located in an
2 16 urban renewal area.

2 17 Sec. 5. OBLIGATIONS OF CITIES. This Act shall not relieve,
2 18 impair, or otherwise alter the obligations of a city relating
2 19 to bonds issued pursuant to chapter 403 prior to the effective
2 20 date of this Act or contracts made prior to the effective date
2 21 of this Act in connection with an urban renewal project.

2 22 EXPLANATION

2 23 This bill relates to the use of sales and services tax
2 24 revenues to fund urban renewal projects.

2 25 Current law allows an eligible city to provide by ordinance
2 26 for the use of a designated amount of the increased local sales
2 27 and services tax revenues attributable to retail establishments
2 28 in an urban renewal area to fund urban renewal projects located
2 29 in the area. Current law does not require an election prior to
2 30 the designation of these revenues.

2 31 The bill requires an eligible city to adopt a resolution of
2 32 intent before proposing an ordinance authorizing the use of
2 33 local sales and services tax revenues for urban renewal. If
2 34 within 30 days of the adoption of the resolution, a petition
2 35 requesting an election on the question is filed with the city



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 546 continued

3 1 clerk, the city council must either declare the proposal
3 2 abandoned or direct the county commissioner of elections
3 3 to call a special election on the question. If the vote
3 4 is in favor of the proposition, the city may proceed with
3 5 consideration of the ordinance. If no petition is filed, the
3 6 council may proceed with consideration of the ordinance.
3 7 The bill specifies that the amount of increased revenues
3 8 designated for urban renewal projects may be all or a portion
3 9 of the increased revenues allocable to the eligible city.
3 10 The bill provides that any local sales and services taxes
3 11 received as the result of an ordinance adopted prior to the
3 12 effective date of the bill and designated for urban renewal
3 13 projects must be deposited in the city's special fund and used
3 14 to fund urban renewal projects.
3 15 The bill provides that the funding of urban renewal projects
3 16 with increased sales and services tax revenues shall not
3 17 relieve, impair, or alter the obligations of a city in regard
3 18 to certain bonds or contracts.

LSB 5499HC (2) 83

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 547

HOUSE FILE

BY (PROPOSED COMMITTEE ON LOCAL
GOVERNMENT BILL BY CHAIRPERSON
GASKILL)

A BILL FOR

1 An Act authorizing certain cities to employ a public safety
2 commissioner in lieu of a chief of the fire department and a
3 chief of the police department.

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

TL5B 5193YC (25) 83

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 547 continued

PAG LIN

1 1 Section 1. Section 400.6, subsection 4, Code 2009, is
1 2 amended to read as follows:
1 3 4. The head and principal assistant of each department and
1 4 the head of each division. This exclusion does not apply to
1 5 assistant fire chiefs and to assistant police chiefs in cities
1 6 with police departments of two hundred fifty or fewer members.
1 7 However, sections 400.13 and 400.14 apply to police and fire
1 8 chiefs and public safety commissioners.
1 9 Sec. 2. Section 400.10, Code Supplement 2009, is amended to
1 10 read as follows:
1 11 400.10 Preferences.
1 12 In all examinations and appointments under this chapter,
1 13 other than promotions and appointments of chief of the police
1 14 department, ~~and~~ chief of the fire department, and public safety
1 15 commissioner, veterans who are citizens and residents of the
1 16 United States, shall have five percentage points added to the
1 17 veteran's grade or score attained in qualifying examinations
1 18 for appointment to positions and five additional percentage
1 19 points added to the grade or score if the veteran has a
1 20 service-connected disability or is receiving compensation,
1 21 disability benefits, or pension under laws administered
1 22 by the United States department of veterans affairs. An
1 23 honorably discharged veteran who has been awarded the Purple
1 24 Heart incurred in action shall be considered to have a
1 25 service-connected disability. However, the percentage points
1 26 shall be given only upon passing the exam and shall not be the
1 27 determining factor in passing. Veteran's preference percentage
1 28 points shall be applied once to the final scores used to rank
1 29 applicants for selection for an interview. For purposes of
1 30 this section, "veteran" means as defined in section 35.1 except
1 31 that the requirement that the person be a resident of this
1 32 state shall not apply.
1 33 Sec. 3. Section 400.13, Code 2009, is amended to read as
1 34 follows:
1 35 400.13 Chief of police, ~~and~~ chief of fire department, and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 547 continued

2 1 public safety commissioner.

2 2 1. The chief of the fire department and the chief of
2 3 the police department shall be appointed from the chiefs'
2 4 civil service eligible lists. Such lists shall be determined
2 5 by original examination open to all persons applying,
2 6 whether or not members of the employing city. The chief of
2 7 a fire department shall have had a minimum of five years'
2 8 experience in a fire department, or three years experience in
2 9 a fire department and two years of comparable experience or
2 10 educational training. The chief of a police department shall
2 11 have had a minimum of five years experience in a public law
2 12 enforcement agency, or three years experience in a public law
2 13 enforcement agency and two years of comparable experience or
2 14 educational training. A chief of a police department or fire
2 15 department shall maintain civil service rights as determined
2 16 by section 400.12.

2 17 2. In lieu of appointing a chief of police and a chief of
2 18 the fire department under subsection 1, a city may establish
2 19 the position of public safety commissioner and appoint a public
2 20 safety commissioner from the chiefs' civil service eligible
2 21 lists. The public safety commissioner shall be responsible for
2 22 management and operation of both the police department and the
2 23 fire department and shall have all the powers and duties of a
2 24 chief of a police department and a chief of a fire department
2 25 under this chapter or any other provision of law. The public
2 26 safety commissioner shall meet the minimum qualifications
2 27 for either a chief of a police department or the chief of a
2 28 fire department, possess at least a bachelor's degree from an
2 29 accredited college or university, and have completed advanced
2 30 training in management. A public safety commissioner shall
2 31 maintain civil service rights as determined by section 400.12.

2 32 3. Any person who becomes chief of police, ~~or~~ chief of
2 33 the fire department, or public safety commissioner shall be
2 34 allowed to transfer all rights the person may have acquired
2 35 under chapter 410 or 411, including employer contributions



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 547 continued

3 1 during the person's years of service in a city, employee
3 2 contributions, and interest, to the retirement system of the
3 3 city that hires the person as chief or commissioner. Such
3 4 person shall also transfer the number of years served as
3 5 seniority toward other benefits provided by the city which
3 6 hires the person. If a chief of a police or fire department
3 7 is relieved of that position, the person shall be entitled to
3 8 remain in the department for which the person was chief at a
3 9 position commensurate with the person's civil service status,
3 10 even if this means that the city must create a position for
3 11 the person to fill until a regular position becomes vacant.
3 12 If a public safety commissioner is relieved of that position,
3 13 the person shall be entitled to remain in either the police
3 14 department or the fire department, as determined by the entity
3 15 with appointment authority under subsection 4, at a position
3 16 commensurate with the person's civil service status, even if
3 17 this means that the city must create a position for the person
3 18 to fill until a regular position becomes vacant.

3 19 4. In cities under the commission plan of government the
3 20 superintendent of public safety, with the approval of the
3 21 city council, shall appoint the chief of the fire department
3 22 and the chief of the police department, or the public safety
3 23 commissioner. In cities under a council-manager form of
3 24 government the city manager shall make the appointments with
3 25 the approval of the city council, and in all other cities the
3 26 appointments shall be made as provided by city ordinance or
3 27 city charter.

3 28 Sec. 4. Section 400.14, Code 2009, is amended to read as
3 29 follows:

3 30 400.14 Civil service status of chiefs.

3 31 A police officer under civil service may be appointed
3 32 chief of police or public safety commissioner and a fire
3 33 fighter under civil service may be appointed chief of the fire
3 34 department or public safety commissioner without losing civil
3 35 service status, and shall retain, while holding the office of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 547 continued

4 1 chief or commissioner, the same civil service rights that the
4 2 officer or fire fighter may have had immediately previous to
4 3 appointment as chief or commissioner, but nothing herein shall
4 4 be deemed to extend to such individual any civil service right
4 5 upon which the individual may retain the position of chief or
4 6 commissioner.

4 7 Sec. 5. Section 400.15, Code 2009, is amended to read as
4 8 follows:

4 9 400.15 Appointing powers.

4 10 1. All appointments or promotions to positions within
4 11 the scope of this chapter other than those of chief of
4 12 police, ~~and~~ chief of fire department, and public safety
4 13 commissioner shall be made:

4 14 a. In cities under the commission form of government, by
4 15 the superintendents of the respective departments, with the
4 16 approval of the city council; ~~in~~.

4 17 b. In cities under the city manager plan, by the city
4 18 manager; ~~in~~.

4 19 c. In all other cities with the approval of the city
4 20 council, ~~and in~~.

4 21 d. In the police and fire departments by the chiefs of the
4 22 respective departments or by the public safety commissioner.

4 23 2. All such appointments or promotions shall promptly
4 24 be reported to the clerk of the commission by the appointing
4 25 officer. An appointing authority may transfer an employee,
4 26 other than police officers and fire fighters, from one
4 27 department to the same civil service classification in another
4 28 department, and such employee shall retain the same civil
4 29 service status.

4 30 Sec. 6. Section 400.19, Code 2009, is amended to read as
4 31 follows:

4 32 400.19 Removal or discharge of subordinates.

4 33 The person having the appointing power as provided in
4 34 this chapter, or the chief of police, ~~or~~ chief of the fire
4 35 department, or public safety commissioner, may peremptorily



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 547 continued

5 1 suspend, demote, or discharge a subordinate then under the
5 2 person's, ~~or~~ chief's, or commissioner's direction for neglect
5 3 of duty, disobedience of orders, misconduct, or failure to
5 4 properly perform the subordinate's duties.

5 5 EXPLANATION

5 6 This bill authorizes certain cities under Code chapter
5 7 400 ("Civil Service") to, in lieu of appointing a chief of
5 8 police and a chief of the fire department, establish the
5 9 position of public safety commissioner and appoint a public
5 10 safety commissioner from the chiefs' civil service eligible
5 11 lists. The bill provides that a public safety commissioner is
5 12 responsible for management and operation of both the city's
5 13 police department and the city's fire department. The bill
5 14 also specifies that a public safety commissioner has all the
5 15 powers and duties provided to a chief of a police department or
5 16 to a chief of a fire department under Code chapter 400 or any
5 17 other provision of law.

5 18 The bill requires a public safety commissioner to meet
5 19 the minimum qualifications for either a chief of a police
5 20 department or the chief of a fire department and possess at
5 21 least a bachelor's degree and advanced training in management.
5 22 The bill allows a person appointed to the position of public
5 23 safety commissioner to maintain civil service rights.

5 24 The bill also amends other provisions of Code chapter 400 to
5 25 provide public safety commissioners with the same powers and
5 26 duties as police chiefs and fire chiefs.

LSB 5193YC (25) 83

md/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 548

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
CORRECTIONS BILL)

A BILL FOR

1 An Act relating to the enrollment fee for persons on probation
2 and parole.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5307DP (3) 83
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 548 continued

PAG LIN

1 1 Section 1. Section 905.14, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A person placed on probation or parole and subject to
1 4 supervision by a district department shall be required to pay
1 5 an enrollment fee of ~~three~~ six hundred dollars to the district
1 6 department to offset the costs of supervision. In addition
1 7 to the enrollment fee, the district department may require a
1 8 person to pay a fee to the district department to offset the
1 9 costs of providing sex offender programming to that person.

1 10 EXPLANATION

1 11 This bill relates to the enrollment fee for persons placed
1 12 on probation or parole.

1 13 The bill increases the enrollment fee from \$300 to \$600.
1 14 The fee is payable to the district department of correctional
1 15 services to offset the costs of supervision. The fee is
1 16 not waivable by the court but may be waived by the district
1 17 department of correctional services if the district department
1 18 determines the person is unable to pay.

LSB 5307DP (3) 83

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 549

HOUSE FILE

BY (PROPOSED COMMITTEE ON REBUILD
IOWA AND DISASTER RECOVERY BILL BY
CHAIRPERSON SCHUELLER)

A BILL FOR

1 An Act relating to emergency preparedness for assisted living
2 programs and elder group homes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5638HC (4) 83
pf/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 549 continued

PAG LIN

1 1 Section 1. Section 231B.2, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. Policies and procedures to implement in
1 4 emergencies, including emergencies due to natural disaster, and
1 5 including policies and procedures relating to evacuation plans
1 6 and notification of a tenant's legal representative.

1 7 Sec. 2. Section 231C.3, subsection 1, Code Supplement 2009,
1 8 is amended by adding the following new paragraph:
1 9 NEW PARAGRAPH. e. Policies and procedures to implement in
1 10 emergencies, including emergencies due to natural disaster, and
1 11 including policies and procedures relating to evacuation plans
1 12 and notification of a tenant's legal representative.

1 13 EXPLANATION

1 14 This bill requires that the rules and standards for
1 15 certification of assisted living program and elder group homes
1 16 include policies and procedures to implement in emergencies,
1 17 including emergencies due to natural disaster, and including
1 18 policies and procedures relating to evacuation plans and
1 19 notification of a tenant's legal representative.

LSB 5638HC (4) 83

pf/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 550

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF CULTURAL
AFFAIRS BILL)

A BILL FOR

- 1 An Act concerning fine arts projects in state buildings.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5418DP (4) 83
ec/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 550 continued

PAG LIN

1 1 Section 1. Section 304A.10, Code 2009, is amended to read
1 2 as follows:
1 3 304A.10 Cost of fine arts == percentage.
1 4 The total estimated cost of the fine arts elements included
1 5 in a plan and specifications for a state building or group
1 6 of state buildings in accordance with the purposes of this
1 7 division shall in no case be less than one-half of one percent
1 8 of the total estimated cost of such building or group of
1 9 buildings. This percentage allocation shall not be diminished
1 10 by professional fees. By September 1 annually, the contracting
1 11 officer or principal user shall submit to the department of
1 12 cultural affairs the total amount of state financial assistance
1 13 expended in accordance with this section during the previous
1 14 fiscal year. If deemed in the best interests of the citizens,
1 15 funds allocated for the acquisition of fine arts may be
1 16 accumulated over more than one appropriation or fiscal period
1 17 or combined to complete significant projects, ~~however, this~~
~~1 18 sentence does not authorize interproject transfers. The~~
~~1 19 total estimated cost of the fine arts elements included in~~
~~1 20 a plan and specifications for a state building or group of~~
~~1 21 state buildings in accordance with this section shall be~~
~~1 22 included by the department of cultural affairs in calculating~~
~~1 23 the amount of state financial assistance for the arts for~~
~~1 24 purposes of national ranking surveys.~~ By January 1 annually,
1 25 the department of cultural affairs shall submit a summary of
1 26 the total amount of state financial assistance expended in
1 27 accordance with this section and for which state buildings the
1 28 assistance was expended.
1 29 Sec. 2. Section 304A.12, Code 2009, is amended to read as
1 30 follows:
1 31 304A.12 Separate contract.
1 32 Contracts for the fine arts elements shall be executed
1 33 within the limits of the actual costs as determined by section
1 34 304A.10. Funds shall be transferred to the arts division for
1 35 administration of the program. All expenses related to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 550 continued

2 1 acquisition of the fine arts elements shall be contracted for
2 2 separately by the ~~arts division~~ contracting agency or principal
2 3 user with the funds allocated for these purposes.

2 4 EXPLANATION

2 5 This bill concerns fine arts projects in state buildings.
2 6 Code section 304A.10, concerning fine arts costs, is amended
2 7 to allow interproject transfers of moneys allocated for fine
2 8 arts projects and to eliminate the requirement that the arts
2 9 division of the department of cultural affairs use a certain
2 10 method of calculating the amount of state financial assistance
2 11 for the arts for purposes of national ranking surveys.

2 12 Code section 304A.12 is amended to provide that the
2 13 contracting agency or principal user, and not the arts
2 14 division, is required to separately contract for expenses
2 15 related to the acquisition of fine arts elements.

LSB 5418DP (4) 83

ec/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 551

HOUSE FILE

BY (PROPOSED COMMITTEE ON EDUCATION
BILL BY CHAIRPERSON WENDT)

A BILL FOR

1 An Act relating to participation in extracurricular activities
2 by certain children.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5116HC (6) 83
kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 551 continued

PAG LIN

1 1 Section 1. Section 256.46, Code 2009, is amended to read as
1 2 follows:
1 3 256.46 Rules for participation in extracurricular activities
1 4 by certain children.
1 5 1. The state board shall adopt rules that permit a child
1 6 who does not meet the residence requirements for participation
1 7 in extracurricular interscholastic contests or competitions
1 8 sponsored or administered by an organization as defined in
1 9 section 280.13 to participate in the contests or competitions
1 10 immediately if the child is duly enrolled in a school, is
1 11 otherwise eligible to participate, and meets one of the
1 12 following circumstances or a similar circumstance: ~~the~~
1 13 a. The child has been adopted; ~~the.~~
1 14 b. The child is placed under foster or shelter care; ~~the.~~
1 15 c. The child is living with one of the child's parents as a
1 16 result of divorce, separation, death, or other change in the
1 17 child's parents' marital relationship, or pursuant to other
1 18 court-ordered decree or order of custody; ~~the.~~
1 19 d. The child is a foreign exchange student, unless undue
1 20 influence was exerted to place the child for primarily athletic
1 21 purposes; ~~the.~~
1 22 e. The child has been placed in a juvenile correctional
1 23 facility; ~~the.~~
1 24 f. The child is a ward of the court or the state; ~~the.~~
1 25 g. The child is a participant in a substance abuse or mental
1 26 health program; ~~or the.~~
1 27 h. The child is enrolled in an accredited nonpublic high
1 28 school because the child's district of residence has entered
1 29 into a whole grade sharing agreement for the pupil's grade with
1 30 another district.
1 31 2. The rules shall permit a child who is otherwise eligible
1 32 to participate, but who does not meet one of the foregoing or
1 33 similar circumstances relating to residence requirements, to
1 34 participate at any level of competition other than the varsity
1 35 level.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 551 continued

2 1 3. The rules shall permit a child to compete in an athletic
2 2 contest or competition, whether or not the child is given a
2 3 failing grade in any course for which credit is awarded, if
2 4 the child moved into this state within twelve months prior to
2 5 the start of the athletic season during which the contest or
2 6 competition is held and the child is eligible to participate
2 7 in an athletic contest or competition pursuant to subsection
2 8 1, paragraph "a".

2 9 4. For purposes of this section and section 282.18,
2 10 "varsity" means the highest level of competition offered by
2 11 one school or school district against the highest level of
2 12 competition offered by an opposing school or school district.

2 13 EXPLANATION

2 14 This bill allows a child to participate in an athletic
2 15 contest or competition, whether or not the child receives a
2 16 failing grade in a course for which credit is awarded, if the
2 17 child is adopted and moved to Iowa within one year of the start
2 18 of the athletic season during which the contest or competition
2 19 is held.

LSB 5116HC (6) 83

kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 552

HOUSE FILE

BY (PROPOSED COMMITTEE ON ECONOMIC
GROWTH BILL BY CHAIRPERSON THOMAS)

A BILL FOR

1 An Act providing for a sales tax exemption for purchases made
2 by a nonprofit blood bank licensed by the federal food and
3 drug administration.

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

TL5B 5707HC (2) 83

ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 552 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 26, Code Supplement
1 2 2009, is amended to read as follows:
1 3 26. The sales price of tangible personal property sold,
1 4 or of services furnished, to a statewide nonprofit organ
1 5 procurement organization, as defined in section 142C.2, or a
1 6 nonprofit blood bank, as defined in section 141A.1, that is
1 7 licensed by the federal food and drug administration.

1 8 EXPLANATION
1 9 This bill creates a sales tax exemption on the sales price of
1 10 goods sold to or services provided to a nonprofit blood bank
1 11 that is licensed by the federal food and drug administration.
LSB 5707HC (2) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 553

HOUSE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to expunging the conviction for certain
2 alcohol-related offenses committed by persons under legal
3 age.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5188YC (3) 83

jm/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Study Bill 553 continued

PAG LIN

1 1 Section 1. Section 123.46, subsection 5, Code 2009, is
 1 2 amended to read as follows:
 1 3 5. Upon the expiration of two years following conviction
 1 4 for a violation of this section, a person may petition the
 1 5 court to ~~exonerate the person of~~ expunge the conviction, and
 1 6 if the person has had no other criminal convictions, other
 1 7 than simple misdemeanor violations of chapter 321 during the
 1 8 two-year period, ~~the person shall be deemed exonerated of~~
~~1 9 the offense~~ conviction shall be expunged as a matter of law.
 1 10 The court shall enter an order ~~exonerating the person of the~~
~~1 11 conviction, and ordering~~ that the record of the conviction be
 1 12 expunged by the clerk of the district court.
 1 13 Sec. 2. Section 123.47, Code 2009, is amended by adding the
 1 14 following new subsection:
 1 15 NEW SUBSECTION. 7. Upon the expiration of two years
 1 16 following conviction for a violation of subsection 2 or of a
 1 17 similar local ordinance, a person may petition the court to
 1 18 expunge the conviction, and if the person has had no other
 1 19 criminal convictions, other than local traffic violations
 1 20 or simple misdemeanor violations of chapter 321 during the
 1 21 two-year period, the conviction shall be expunged as a matter
 1 22 of law. The court shall enter an order that the record of the
 1 23 conviction be expunged by the clerk of the district court. An
 1 24 expunged conviction shall not be considered a prior offense for
 1 25 purposes of enhancement under subsection 3 or under a local
 1 26 ordinance unless the new violation occurred prior to entry of
 1 27 the order of expungement.
 1 28 EXPLANATION
 1 29 This bill relates to expunging certain criminal convictions.
 1 30 The bill modifies provisions relating to expunging the
 1 31 record of a conviction for public intoxication after two
 1 32 years. Under the bill, two years after conviction for public
 1 33 intoxication a person may petition the court to expunge the
 1 34 record of the conviction if the person has not had other
 1 35 criminal convictions other than simple misdemeanor violations



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Study Bill 553 continued

2 1 of Code chapter 321 during the two-year period. Currently, a
2 2 person may petition the court to exonerate the person and have
2 3 the court enter an order exonerating the person as a matter of
2 4 law.

2 5 The bill establishes a similar expungement provision for
2 6 possessing, purchasing, or attempting to purchase alcohol
2 7 under legal age and for similar local ordinances. Under the
2 8 bill, two years after conviction for possessing, purchasing,
2 9 or attempting to purchase alcohol under legal age or under
2 10 a similar local ordinance, a person may petition the court
2 11 to expunge the record of the conviction if the person has
2 12 not had other criminal convictions other than local traffic
2 13 violations or simple misdemeanor violations of Code chapter 321
2 14 during the two-year period. The bill also provides that the
2 15 expunged conviction for possessing, purchasing, or attempting
2 16 to purchase alcohol or for a local ordinance shall not be
2 17 considered a prior offense for purposes of enhancement under
2 18 state law or under a local ordinance unless the new violation
2 19 occurred prior to entry of the order of expungement.

LSB 5188YC (3) 83

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 554

HOUSE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON SWAIM)

A BILL FOR

1 An Act creating the criminal offense of robbery in the third
2 degree, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5185YC (2) 83
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 554 continued

PAG LIN

1 1 Section 1. Section 711.3, Code 2009, is amended to read as
1 2 follows:

1 3 711.3 Robbery in the second degree.

1 4 All robbery which is not robbery in the first degree is
1 5 robbery in the second degree, except as provided in section

1 6 711.3A. Robbery in the second degree is a class "C" felony.

1 7 Sec. 2. NEW SECTION. 711.3A Robbery in the third degree.

1 8 1. A person commits robbery in the third degree when, while
1 9 perpetrating a robbery, all of the following apply:

1 10 a. The theft involved constitutes a theft in the fifth
1 11 degree as defined section 714.2, subsection 5.

1 12 b. The assault upon another person constitutes an assault as
1 13 defined in section 708.2, subsection 6.

1 14 2. Robbery in the third degree is an aggravated misdemeanor.

1 15 EXPLANATION

1 16 This bill creates a criminal offense of robbery in the third
1 17 degree.

1 18 Under the bill, a person commits robbery in the third degree
1 19 if during the robbery the person commits a theft in the fifth
1 20 degree (property not exceeding \$200 in value) in violation
1 21 of Code section 714.2(5) and a simple misdemeanor assault
1 22 in violation of Code section 708.2(6). The bill classifies
1 23 robbery in the third degree as an aggravated misdemeanor.

1 24 Currently, under the same set of facts and circumstances a
1 25 person commits a robbery in the second degree in violation of
1 26 Code section 711.3 and the offense is classified as a class "C"
1 27 felony 70 percent sentence under Code section 902.12.

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 more
1 30 than \$6,250. A class "C" felony is punishable by confinement
1 31 for no more than 10 years and a fine of at least \$1,000 but not
1 32 more than \$10,000.

LSB 5185YC (2) 83

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 555

HOUSE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to the calculation of earned time for an inmate
2 in a correctional institution.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5465YC (3) 83
jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 555 continued

PAG LIN

1 1 Section 1. Section 903A.2, subsection 1, paragraph a,
1 2 unnumbered paragraph 1, Code 2009, is amended to read as
1 3 follows:
1 4 Category "A" sentences are those sentences which are not
1 5 subject to a maximum accumulation of earned time of fifteen
1 6 percent of the total sentence of confinement under section
1 7 902.12. To the extent provided in subsection 5, category "A"
1 8 sentences also include life sentences imposed under section
1 9 902.1. An inmate of an institution under the control of
1 10 the department of corrections who is serving a category "A"
1 11 sentence is eligible for a reduction of sentence equal to
1 12 one and ~~two-tenths~~ one-half days for each day the inmate
1 13 demonstrates good conduct and satisfactorily participates in
1 14 any program or placement status identified by the director to
1 15 earn the reduction. The programs include but are not limited
1 16 to the following:

1 17 EXPLANATION

1 18 This bill relates to the calculation of earned time for an
1 19 inmate.
1 20 Under the bill, the amount of earned time an inmate is
1 21 eligible to earn for a reduction of sentence increases from
1 22 1.2 days to 1.5 days for each day the inmate demonstrates good
1 23 conduct and satisfactorily participates in any program or
1 24 placement status identified by the director of the department
1 25 of corrections to earn the reduction.

LSB 5465YC (3) 83

jm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 556

HOUSE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON SWAIM)

A BILL FOR

1 An Act concerning authorized public employment by retired
2 judges.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5586HC (5) 83
ec/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 556 continued

PAG LIN

1 1 Section 1. Section 602.9110, unnumbered paragraph 2, Code
1 2 2009, is amended to read as follows:
1 3 However, this section does not prohibit the payment of an
1 4 annuity to a senior judge while serving as provided in section
1 5 602.9206 or to a retired judge while teaching no more than
1 6 six credit hours at an accredited educational institution
1 7 if permitted as a quasi-judicial or extrajudicial activity
1 8 pursuant to the Iowa code of judicial conduct, ch.51, Iowa
1 9 court rules.

1 10

EXPLANATION

1 11 This bill provides that a retired judge may teach no
1 12 more than six credit hours per semester at an accredited
1 13 educational institution in this state if otherwise permitted
1 14 as a quasi-judicial activity authorized by the Iowa code of
1 15 judicial conduct and still receive the judge's retirement
1 16 annuity. Current law provides that no retirement annuity under
1 17 the judicial retirement system shall be paid to a nonsurvivor
1 18 annuitant if the person is employed in any other public
1 19 employment, except employment as a senior judge.

LSB 5586HC (5) 83

ec/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557

HOUSE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to marital agreements, and including effective
2 date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5585HC (7) 83
pf/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557 continued

PAG LIN

1 1 Section 1. Section 249A.3, subsection 11, paragraph d, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 d. Unless a surviving spouse is precluded from making an
1 4 election under the terms of a ~~premarital~~ marital agreement as
1 5 defined in section 596.1, the failure of a surviving spouse to
1 6 take an elective share pursuant to chapter 633, division V,
1 7 constitutes a transfer of assets for the purpose of determining
1 8 eligibility for medical assistance to the extent that the value
1 9 received by taking an elective share would have exceeded the
1 10 value of the inheritance received under the will.

1 11 Sec. 2. Section 596.1, Code 2009, is amended to read as
1 12 follows:

1 13 596.1 Definitions.

1 14 As used in this chapter:

1 15 1. "Marital agreement" means any of the following:

1 16 a. A premarital agreement.

1 17 b. An agreement between present spouses, but only relating
1 18 to post=death matters.

1 19 c. An amendment to a marital agreement.

1 20 2. "Party" means a person who has entered into a marital
1 21 agreement.

1 22 ~~1-~~ 3. "Premarital agreement" means an agreement between
1 23 prospective spouses made in contemplation of marriage and to be
1 24 effective upon marriage.

1 25 4. "Post=death matter" includes but is not limited to the
1 26 disposition of the parties' individually or jointly owned
1 27 assets upon the death of either or both parties; the making of
1 28 a will, trust, or other arrangements for the disposition of
1 29 property upon the death of either or both parties; ownership
1 30 rights in life insurance policies and retirement plans and the
1 31 disposition of the death benefits of any such policy or plan;
1 32 and the limitation or expansion of spousal elective shares
1 33 pursuant to chapter 633, division V.

1 34 ~~2-~~ 5. "Property" means an interest, present or future,
1 35 legal or equitable, vested or contingent, in real or personal



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557 continued

2 1 property, including income and earnings.

2 2 Sec. 3. Section 596.2, Code 2009, is amended to read as
2 3 follows:

2 4 596.2 Construction and application.

2 5 This chapter shall be construed and applied to effectuate
2 6 its general purpose ~~to make uniform the law with respect to~~
2 7 ~~premarital agreements.~~

2 8 Sec. 4. Section 596.3, Code 2009, is amended to read as
2 9 follows:

2 10 596.3 Short title.

2 11 This chapter may be cited as the "Iowa ~~Uniform Premarital~~
2 12 Marital Agreement Act".

2 13 Sec. 5. Section 596.4, Code 2009, is amended to read as
2 14 follows:

2 15 596.4 Formalities.

2 16 1. A premarital marital agreement must be in writing and
2 17 must be signed by both prospective spouses. It parties.

2 18 2. A marital agreement between present spouses must be
2 19 signed by both parties prior to the filing of an action for
2 20 dissolution of marriage, for legal separation, or for separate
2 21 maintenance.

2 22 3. A marital agreement is enforceable without consideration
2 23 other than the marriage.

2 24 4. Both parties to the a marital agreement shall must
2 25 execute all documents necessary to enforce the agreement.

2 26 Sec. 6. Section 596.5, Code 2009, is amended to read as
2 27 follows:

2 28 596.5 Content.

2 29 1. Parties Subject to the limitations of a marital agreement
2 30 between present spouses only relating to post-death matters,
2 31 parties to a premarital marital agreement may contract with
2 32 respect to the following:

2 33 a. The rights and obligations of each of the parties in any
2 34 of the property of either or both of them whenever and wherever
2 35 acquired or located.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557 continued

3 1 b. ~~right~~ rights of possession, ownership, or control,
3 2 including but not limited to the rights to buy, sell, use,
3 3 transfer, make a gift of, exchange, abandon, lease, consume,
3 4 expend, assign, create a security interest in, mortgage,
3 5 encumber, dispose of, or otherwise manage and control property.
3 6 c. The disposition of property upon separation, dissolution
3 7 of the marriage, death, or the occurrence or nonoccurrence of
3 8 any other event.
3 9 d. The making of a will, trust, or other arrangement to
3 10 carry out the provisions of the marital agreement.
3 11 e. The ownership rights in ~~and disposition of the death~~
3 12 ~~benefit from~~ a life insurance policy and the establishment of
3 13 rights of beneficiaries to the benefits of such policy.
3 14 f. The rights and obligations in benefits available or to be
3 15 available under an employee benefit or retirement plan, except
3 16 to the extent federal law prevents a binding agreement with
3 17 respect to such rights and obligations.
3 18 ~~f.~~ g. The choice of law governing the construction of the
3 19 marital agreement.
3 20 ~~g.~~ h. Any other matter, including the personal rights and
3 21 obligations of the parties, not in violation of public policy
3 22 or a statute imposing a criminal penalty.
3 23 2. A marital agreement is not enforceable unless the
3 24 agreement contains a statement of the types of rights that
3 25 could be affected by the marital agreement in an all capital
3 26 letter typeface and font size as large as the largest typeface
3 27 and font contained in the document. The following statement or
3 28 a statement of like import, contained within the document shall
3 29 be acceptable for this purpose:
3 30 "BE ADVISED, BY SIGNING THIS DOCUMENT, YOU MAY BE GIVING
3 31 UP LEGAL RIGHTS, SUCH AS THE RIGHTS TO OWN OR OCCUPY YOUR
3 32 HOMESTEAD, RIGHTS TO A STATUTORY SHARE OF YOUR SPOUSE'S ASSETS
3 33 UPON DEATH, RIGHTS TO COURT DETERMINATIONS OF DISTRIBUTIONS OF
3 34 PROPERTY UPON DISSOLUTION OF MARRIAGE, AND OTHER RIGHTS YOU
3 35 MAY HAVE BY REASON OF MARRIAGE. YOU MAY ALSO BE EXPANDING OR



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557 continued

4 1 RESTRICTING THOSE TYPES OF RIGHTS OR EXPANDING OR RESTRICTING
4 2 THE COURT'S POWERS TO DETERMINE THESE ISSUES."
4 3 ~~2.~~ 3. The right of a spouse or child to support, whether
4 4 during the lifetime or after the death of a party, shall not be
4 5 adversely affected by a ~~premarital~~ marital agreement.
4 6 Sec. 7. Section 596.6, Code 2009, is amended to read as
4 7 follows:
4 8 596.6 Effective date of agreement.
4 9 1. A ~~premarital~~ marital agreement becomes effective upon
4 10 ~~the marriage, if signed by both of the parties prior to the~~
4 11 marriage.
4 12 2. If a marital agreement is signed by the parties during
4 13 their marriage, the marital agreement becomes effective on the
4 14 effective date stated in the marital agreement. If no such
4 15 effective date is stated in the marital agreement, the marital
4 16 agreement becomes effective upon the latest date of signature
4 17 by the parties.
4 18 Sec. 8. Section 596.7, Code 2009, is amended to read as
4 19 follows:
4 20 596.7 Revocation and amendment.
4 21 1. Revocation. After marriage, a ~~premarital~~ marital
4 22 agreement may be revoked, in whole or in part, only as follows:
4 23 ~~1.~~ a. By a written agreement signed by both ~~spouses~~
4 24 parties. The revocation is enforceable without consideration.
4 25 ~~2.~~ b. ~~To revoke a premarital~~ By either party to the
4 26 marital agreement without the consent of the other
4 27 ~~spouse party, the person seeking revocation must prove one~~
4 28 ~~or more if the party seeking revocation proves any of the~~
4 29 following:
4 30 ~~a.~~ (1) The ~~person~~ party seeking revocation did not execute
4 31 the marital agreement voluntarily.
4 32 ~~b.~~ (2) The marital agreement was unconscionable when it
4 33 was executed.
4 34 ~~c.~~ (3) Before the execution of the marital agreement the
4 35 ~~person~~ party seeking revocation was not provided a fair and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557 continued

5 1 reasonable disclosure of the property or financial obligations
5 2 of the other ~~spouse~~ party; and the ~~person~~ party seeking
5 3 revocation did not have, or reasonably could not have had, an
5 4 adequate knowledge of the property or financial obligations of
5 5 the other ~~spouse~~ party; and such disclosure would have been
5 6 material to the decision of the party seeking revocation to
5 7 execute the marital agreement.
5 8 (4) Before the execution of the marital agreement the party
5 9 seeking revocation was not given a reasonable opportunity to
5 10 obtain independent legal representation with respect to the
5 11 marital agreement.
5 12 c. If the revocation of one or more provisions of the
5 13 marital agreement, or the application of the revocation of such
5 14 a provision to a party is upheld by the court, any revoked
5 15 provision shall be severed from the remainder of the marital
5 16 agreement, unless the marital agreement states otherwise, and
5 17 shall not affect the remaining provisions.
5 18 2. Amendment. A marital agreement may be amended by a
5 19 written agreement signed by both parties. An amendment is
5 20 subject to the enforcement provisions of section 596.8.
5 21 3. Limits on amendment and revocation. A marital
5 22 agreement cannot be amended or revoked by an agent, guardian,
5 23 conservator, or other legal representative of either party, or
5 24 after the death of either party, except as provided pursuant
5 25 to subsection 1, paragraph "b", relating to revocation without
5 26 the consent of the other party.
5 27 Sec. 9. Section 596.8, Code 2009, is amended to read as
5 28 follows:
5 29 596.8 Enforcement.
5 30 1. A ~~premarital~~ marital agreement is not enforceable if the
5 31 person or party against whom enforcement is sought proves ~~any~~
5 32 ~~of the following:~~
5 33 1. ~~The person did not execute the agreement voluntarily.~~
5 34 2. ~~The agreement was unconscionable when it was executed.~~
5 35 3. ~~Before the execution of the agreement the person was~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

~~House Study Bill 557 continued~~

~~6 1 not provided a fair and reasonable disclosure of the property
6 2 or financial obligations of the other spouse; and the person
6 3 did not have, or reasonably could not have had, an adequate
6 4 knowledge of the property or financial obligations of the other
6 5 spouse that such person or party could have revoked the marital
6 6 agreement pursuant to section 596.7, subsection 1, paragraph
6 7 "b", relating to revocation without consent of the other party.~~

~~6 8 2. If a ~~provision~~ one or more of the provisions of the
6 9 marital agreement ~~or the application of the provision to a~~
6 10 ~~party is found~~ determined by the court to be unenforceable
6 11 pursuant to this section, the unenforceable provision shall be
6 12 severed from the remainder of the marital agreement, unless the
6 13 marital agreement states otherwise, and shall not affect the
6 14 remaining provisions, ~~or application, of the agreement which~~
6 15 ~~can be given effect without the unenforceable provision.~~~~

~~6 16 3. Other than the determination of the issue of
6 17 unconscionability, actions with respect to enforcement of a
6 18 marital agreement shall be decided by the court as a matter of
6 19 equity.~~

6 20 Sec. 10. Section 596.9, Code 2009, is amended to read as
6 21 follows:

6 22 596.9 Unconscionability.

6 23 In any action under this chapter to revoke or enforce a
6 24 ~~premarital~~ marital agreement the issue of unconscionability of
6 25 a ~~premarital~~ marital agreement shall be decided by the court
6 26 as a matter of law.

6 27 Sec. 11. Section 596.10, Code 2009, is amended to read as
6 28 follows:

6 29 596.10 Enforcement == void marriage.

6 30 If a marriage is determined to be void, an agreement that
6 31 would otherwise have been a ~~premarital~~ marital agreement
6 32 is enforceable only to the extent necessary to avoid an
6 33 inequitable result.

6 34 Sec. 12. Section 596.11, Code 2009, is amended to read as
6 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557 continued

7 1 596.11 Limitation of actions.
7 2 Any statute of limitations applicable to an action asserting
7 3 a claim for relief under a ~~premarital~~ marital agreement is
7 4 tolled during the marriage of the parties ~~to the agreement~~.
7 5 However, equitable defenses limiting the time for enforcement,
7 6 including laches and estoppel, are available to either party.
7 7 Sec. 13. Section 596.12, Code 2009, is amended to read as
7 8 follows:
7 9 596.12 Effective date.
7 10 1. This As it relates to premarital agreements, this chapter
7 11 takes effect on January 1, 1992, and applies to any premarital
7 12 agreement executed on or after that date, in accordance
7 13 with the statutory provisions in effect as of the date of
7 14 the premarital agreement. This chapter does not affect the
7 15 validity under Iowa law of any premarital agreement entered
7 16 into prior to January 1, 1992.
7 17 2. As it relates to amendments to premarital agreements and
7 18 to marital agreements entered into after marriage, this chapter
7 19 takes effect July 1, 2010, and applies to any such amendments
7 20 or agreements executed on or after that date.
7 21 Sec. 14. Section 633.246A, Code 2009, is amended to read as
7 22 follows:
7 23 633.246A Medical assistance eligibility.
7 24 Unless precluded from doing so under the terms of a
7 25 ~~premarital~~ marital agreement as defined in section 596.1, the
7 26 failure of a surviving spouse to make an election under this
7 27 division constitutes a transfer of assets for the purpose of
7 28 determining eligibility for medical assistance pursuant to
7 29 chapter 249A to the extent that the value received by making
7 30 the election would have exceeded the value of property received
7 31 absent the election.
7 32 EXPLANATION
7 33 This bill amends Code chapter 596 (premarital agreements)
7 34 to allow for the amendment of premarital agreements and the
7 35 creation of new marital agreements by the parties to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 557 continued

8 1 marriage. A marital agreement between present spouses is
8 2 effective only to the extent it relates to disposition of
8 3 assets upon the death of the other party (post-death matters).
8 4 The bill provides for protection of the parties including
8 5 that the agreement must not be unconscionable at the time
8 6 it is entered into; the agreement must include a provision
8 7 that states the rights a party may be giving up; an agent is
8 8 prohibited from amending or revoking a marital agreement on
8 9 behalf of a party; and unconscionability is determined by the
8 10 court as a matter of law while all other matters are determined
8 11 in equity. The bill provides for revocation and amendment of
8 12 marital agreements, places limits on amendments and revocations
8 13 of marital agreements, provides for enforcement, and makes
8 14 conforming changes.

8 15 The bill provides that as it relates to premarital
8 16 agreements, the amended Code chapter takes effect on January 1,
8 17 1992, and applies to any premarital agreement executed on or
8 18 after that date, in accordance with the statutory provisions
8 19 in effect as of the date of the premarital agreement. The bill
8 20 directs that the Code chapter does not affect the validity
8 21 under Iowa law of any premarital agreement entered into prior
8 22 to January 1, 1992. Additionally, the bill provides that as
8 23 the Code chapter relates to amendments to premarital agreements
8 24 and to marital agreements entered into after marriage, the
8 25 amended Code chapter takes effect July 1, 2010, and applies to
8 26 any such amendments or agreements executed on or after that
8 27 date.

LSB 5585HC (7) 83
pf/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 558

HOUSE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to Iowa's uniform disclaimer of property
2 interest Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5584HC (3) 83
rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 558 continued

PAG LIN

1 1 Section 1. Section 633E.4, Code 2009, is amended to read as
1 2 follows:

1 3 633E.4 Tax qualified disclaimer.

1 4 ~~Notwithstanding~~ Except as provided in sections 633E.13

1 5 and 633E.15, notwithstanding any other provision of this

1 6 chapter, any disclaimer or transfer that meets the requirements

1 7 of section 2518 of the Internal Revenue Code, ~~as now or~~

1 8 ~~hereafter amended, or any a~~ successor statute thereto, and the

1 9 regulations promulgated thereunder, for the purpose of being a

1 10 tax qualified disclaimer with the effect that the disclaimed

1 11 or transferred interest is treated as never having been

1 12 transferred to the disclaimant is effective as a disclaimer

1 13 under this chapter. For purposes of this section, "Internal

1 14 Revenue Code" means the same as defined in section 422.3.

1 15 Sec. 2. Section 633E.7, subsection 1, Code 2009, is amended

1 16 by striking the subsection and inserting in lieu thereof the

1 17 following:

1 18 1. Upon the death of a holder of jointly held property,

1 19 either of the following may occur:

1 20 a. If, during the deceased holder's lifetime, the deceased

1 21 holder could have unilaterally regained the entire property

1 22 without the consent of any other holder, a surviving holder

1 23 may disclaim, in whole or in part, a fractional share of that

1 24 portion of the property attributable to the deceased holder's

1 25 contributions determined by dividing the number one by the

1 26 number of joint holders alive immediately after the death of

1 27 the holder to whose death the disclaimer relates.

1 28 b. For all other jointly held property, a surviving holder

1 29 may disclaim, in whole or in part, a fraction of the whole of

1 30 the property the numerator of which is one and the denominator

1 31 of which is the product of the number of joint holders alive

1 32 immediately before the death of the holder to whose death the

1 33 disclaimer relates multiplied by the number of joint holders

1 34 alive immediately after the death of the holder to whose death

1 35 the disclaimer relates.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 558 continued

2 1 Sec. 3. Section 633E.7, Code 2009, is amended by adding the
2 2 following new subsection:

2 3 NEW SUBSECTION. 4. A noncitizen spouse who is a surviving
2 4 joint tenant of real property interests created after July 13,
2 5 2008, can disclaim the spouse's interest to the full extent
2 6 permitted under section 633E.4.

2 7 Sec. 4. Section 633E.13, subsection 5, Code 2009, is amended
2 8 to read as follows:

2 9 5. A disclaimer is barred or limited if so provided by law
2 10 other than this chapter, except as provided in subsection 7.

2 11 Sec. 5. Section 633E.13, Code 2009, is amended by adding the
2 12 following new subsection:

2 13 NEW SUBSECTION. 7. A disclaimer may be made at any time
2 14 unless otherwise barred and any other law that would bar a
2 15 disclaimer due to the passage of time shall not apply under
2 16 this chapter.

2 17 Sec. 6. Section 633E.14, subsection 2, Code 2009, is amended
2 18 to read as follows:

2 19 2. This chapter does not limit any right of a person to
2 20 ~~waive, release, disclaim, or renounce~~ disclaim an interest in
2 21 or power over property under a ~~law~~ statute other than this
2 22 chapter.

2 23 EXPLANATION

2 24 This bill amends Code section 633E.4, relating to a tax
2 25 qualified disclaimer or transfer of a property interest, to
2 26 allow two exceptions (Code sections 633E.13 and 633E.15) to
2 27 the requirement that a disclaimer or transfer of a property
2 28 interest that is valid under section 2518 of the Internal
2 29 Revenue Code is valid for all purposes under Code chapter
2 30 633E. Code section 633E.13 identifies circumstances under
2 31 which disclaimers are barred or limited and Code section
2 32 633E.15 prohibits a disclaimer from being used to avoid medical
2 33 assistance obligations pursuant to Code chapter 249A.

2 34 The bill amends Code section 633E.7 relating to disclaimers
2 35 of rights of survivorship in jointly held property to provide



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Study Bill 558 continued

3 1 that upon the death of a holder of jointly held property,
3 2 either of the following may occur:

3 3 1. If, during the deceased holder's lifetime, the deceased
3 4 holder could have unilaterally regained the entire property
3 5 without the consent of any other holder, a surviving holder
3 6 may disclaim, in whole or in part, a fractional share of that
3 7 portion of the property attributable to the deceased holder's
3 8 contributions determined by dividing the number one by the
3 9 number of joint holders alive immediately after the death of
3 10 the holder to whose death the disclaimer relates.

3 11 2. For all other jointly held property, a surviving holder
3 12 may disclaim, in whole or in part, a fraction of the whole of
3 13 the property the numerator of which is one and the denominator
3 14 of which is the product of the number of joint holders alive
3 15 immediately before the death of the holder to whose death the
3 16 disclaimer relates multiplied by the number of joint holders
3 17 alive immediately after the death of the holder to whose death
3 18 the disclaimer relates.

3 19 In addition, Code section 633E.7 is amended to allow a
3 20 noncitizen, surviving spouse to make a tax-qualified disclaimer
3 21 of property interests under section 2518 of the Internal
3 22 Revenue Code.

3 23 The bill amends Code section 633E.13 to provide that there
3 24 is no time limit in regard to a disclaimer of an interest in
3 25 property.

3 26 The bill amends Code section 633E.14 to prohibit common
3 27 law disclaimers as an alternative to disclaimers of property
3 28 interests under Code chapter 633E.

LSB 5584HC (3) 83

rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559

HOUSE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON SWAIM)

A BILL FOR

1 An Act relating to mechanics' liens including the establishment
2 of a state construction registry for residential
3 construction property and providing an effective date.

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

TLSB 5016HC (5) 83

rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

PAG LIN

1 1 Sec. 22. EFFECTIVE DATE. This Act takes effect July 1,
1 2 2011.
1 3 Section 1. Section 572.1, Code 2009, is amended to read as
1 4 follows:
1 5 572.1 Definitions and rules of construction.
1 6 For the purpose of this chapter:
1 7 1. "Authority" means the Iowa finance authority established
1 8 in section 16.2.
1 9 ~~2.~~ 2. "Building" shall be construed as if followed by the
1 10 words "erection, or other improvement upon land".
1 11 3. "General contractor" includes every person who does work
1 12 or furnishes materials by contract, express or implied, with an
1 13 owner. "General contractor" does not include a person who does
1 14 work or furnishes materials on contract with an owner-builder.
1 15 ~~4.~~ 4. "Labor" means labor completed by the claimant.
1 16 ~~5.~~ 5. "Material" shall, in addition to its ordinary meaning,
1 17 include includes machinery, tools, fixtures, trees, evergreens,
1 18 vines, plants, shrubs, tubers, bulbs, hedges, bushes, sod,
1 19 soil, dirt, mulch, peat, fertilizer, fence wire, fence
1 20 material, fence posts, tile, and the use of forms, accessories,
1 21 and equipment furnished by the claimant.
1 22 ~~6.~~ 6. "Owner" means the ~~record~~ legal or
1 23 equitable titleholder and every person for whose use or benefit
1 24 any building, erection, or other improvement is made, having
1 25 the capacity to contract, including guardians of record.
1 26 ~~5.~~ "Owner=occupied dwelling" means the homestead of an
1 27 owner, as defined in section 561.1, and without respect to the
1 28 value limitations in section 561.3, and actually occupied by
1 29 the owner or the spouse of the owner, or both. "Owner=occupied
1 30 dwelling" includes a newly constructed dwelling to be occupied
1 31 by the owner as a homestead, or a dwelling that is under
1 32 construction and being built by or for an owner who will occupy
1 33 the dwelling as a homestead.
1 34 7. "Owner=builder" means the legal or equitable titleholder
1 35 of record who offers or intends to offer to sell the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

2 1 owner-builder's property without occupying or using the
2 2 structures, properties, developments, or improvements for a
2 3 period of more than one year from the date the structure,
2 4 property, development, or improvement is substantially
2 5 completed or abandoned.

2 6 8. "Residential construction" means construction on
2 7 single-family or two-family dwellings occupied or used,
2 8 or intended to be occupied or used, solely for residential
2 9 purposes, and includes real property pursuant to chapter 499B.

2 10 9. "State construction registry" means a centralized
2 11 computer database maintained and posted on the internet by
2 12 the authority that provides a central repository for the
2 13 submission and management of preliminary notices and notices
2 14 of commencement of work on all residential construction
2 15 properties.

2 16 10. "State construction registry number" means a number
2 17 provided by the authority for all construction properties
2 18 posted to the state construction registry.

2 19 ~~6-~~ 11. "Subcontractor" ~~shall include~~ includes every person
2 20 furnishing material or performing labor upon any building,
2 21 erection, or other improvement, except those having contracts
2 22 directly with the owner. "Subcontractor" shall include those
2 23 persons having contracts directly with an owner-builder.

2 24 Sec. 2. Section 572.2, Code 2009, is amended to read as
2 25 follows:

2 26 572.2 Persons entitled to lien.

2 27 1. Every person who ~~shall furnish~~ furnishes any material or
2 28 labor for, or ~~perform~~ performs any labor upon, any building or
2 29 land for improvement, alteration, or repair thereof, including
2 30 those engaged in the construction or repair of any work of
2 31 internal or external improvement, and those engaged in grading,
2 32 sodding, installing nursery stock, landscaping, sidewalk
2 33 building, fencing on any land or lot, by virtue of any contract
2 34 with the owner, general contractor, or subcontractor shall have
2 35 a lien upon such building or improvement, and land belonging



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

3 1 to the owner on which the same is situated or upon the land
3 2 or lot so graded, landscaped, fenced, or otherwise improved,
3 3 altered, or repaired, to secure payment for the material or
3 4 labor furnished or labor performed.

3 5 2. If material is rented by a person to the owner,
3 6 general contractor, or subcontractor, the person shall have a
3 7 lien upon such building, improvement, or land to secure payment
3 8 for the material rental. The lien is for the reasonable rental
3 9 value during the period of actual use of the material and any
3 10 reasonable periods of nonuse of the material taken into account
3 11 in the rental agreement. The delivery of material to such
3 12 building, improvement, or land, whether or not delivery is made
3 13 by the person, creates a presumption that the material was
3 14 used in the course of alteration, construction, or repair of
3 15 the building, improvement, or land. However, this presumption
3 16 shall not pertain to recoveries sought under a surety bond.

3 17 3. An owner-builder is not entitled to a lien under
3 18 this chapter as to work the owner-builder performs, or is
3 19 contractually obligated to perform, prior to transferring title
3 20 to the buyer.

3 21 Sec. 3. Section 572.8, subsection 1, Code 2009, is amended
3 22 by adding the following new paragraph:

3 23 NEW PARAGRAPH. d. The address of the property or a
3 24 description of the location of the property.

3 25 Sec. 4. Section 572.9, Code 2009, is amended to read as
3 26 follows:

3 27 572.9 Time of filing.

3 28 The statement of account required by section 572.8 shall
3 29 be filed by a ~~principal~~ general contractor or subcontractor
3 30 within two years and ninety days after the date on which the
3 31 last of the material was furnished or the last of the labor was
3 32 performed.

3 33 Sec. 5. Section 572.10, Code 2009, is amended to read as
3 34 follows:

3 35 572.10 Perfecting lien after lapse of ninety days.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

4 1 A general contractor or a subcontractor may perfect a
4 2 mechanic's lien pursuant to section 572.8 beyond ninety days
4 3 after the date on which the last of the material was furnished
4 4 or the last of the labor was performed by filing a claim with
4 5 the clerk of the district court and giving written notice
4 6 thereof to the owner. Such notice may be served by any person
4 7 in the manner original notices are required to be served.
4 8 If the party to be served is out of the county wherein the
4 9 property is situated, a return of that fact by the person
4 10 charged with making such service shall constitute sufficient
4 11 service from and after the time it was filed with the clerk of
4 12 the district court.

4 13 Sec. 6. Section 572.11, Code 2009, is amended to read as
4 14 follows:

4 15 572.11 Extent of lien filed after ninety days.
4 16 Liens perfected under section 572.10 shall be enforced
4 17 against the property or upon the bond, if given, by the owner
4 18 or owner-builder, only to the extent of the balance due from
4 19 the owner to the general contractor or owner-builder at the
4 20 time of the service of such notice; but if the bond was given by
4 21 the general contractor or owner-builder, or person contracting
4 22 with the subcontractor filing the claim for a lien, such bond
4 23 shall be enforced to the full extent of the amount found due
4 24 the subcontractor.

4 25 Sec. 7. Section 572.13, Code 2009, is amended by striking
4 26 the section and inserting in lieu thereof the following:

4 27 572.13 General contractor == owner notice == residential
4 28 construction.

4 29 1. A general contractor who has contracted or will contract
4 30 with a subcontractor to provide labor or furnish material for
4 31 the property shall provide the owner with the following owner
4 32 notice:

4 33 "Persons or companies furnishing labor or materials for
4 34 the improvement of real property may enforce a lien upon the
4 35 improved property if they are not paid for their contributions,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

5 1 even if the parties have no direct contractual relationship
5 2 with the owner. The state construction registry provides
5 3 a listing of all persons or companies furnishing labor or
5 4 materials who may file a lien upon the improved property.
5 5 If the person or company has posted its notice to the state
5 6 construction registry, you may be required to pay the person or
5 7 company even if you have paid the general contractor the full
5 8 amount due. Therefore, check the state construction registry
5 9 internet website for information about the property including
5 10 persons or companies furnishing labor or materials before
5 11 paying your general contractor. In addition, when making
5 12 payment to your general contractor, it is important to obtain
5 13 lien waivers from your general contractor and from persons or
5 14 companies furnishing labor or materials to your property. The
5 15 information in the state construction registry is posted on the
5 16 internet website of the Iowa finance authority."
5 17 2. A general contractor who fails to provide notice pursuant
5 18 to this section is not entitled to a lien and remedy provided
5 19 by this chapter.
5 20 3. This section applies only to residential construction
5 21 properties.
5 22 Sec. 8. NEW SECTION. 572.13A Notice of commencement of work ==
5 23 general contractor == owner=builder.
5 24 1. A general contractor or owner=builder shall submit
5 25 a notice of commencement of work to the authority or post
5 26 a notice of commencement of work to the state construction
5 27 registry internet website within ten days of commencement of
5 28 work on the property. A notice of commencement of work is
5 29 effective only as to any labor, service, equipment, or material
5 30 furnished to the property subsequent to the posting of the
5 31 notice of commencement of work. A notice of commencement of
5 32 work shall include all of the following information:
5 33 a. The name and address of the property owner.
5 34 b. The name and address of the general contractor or
5 35 owner=builder.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

6 1 c. The address of the property if the property can be
6 2 reasonably identified by an address or the name and a general
6 3 description of the location of the property if the property
6 4 cannot be reasonably identified by an address.
6 5 d. A legal description of the property.
6 6 e. The date work commenced.
6 7 f. Any other information prescribed by the authority
6 8 pursuant to rule.
6 9 2. If a general contractor or owner=builder fails to submit
6 10 a notice of commencement of work to the authority or fails to
6 11 post the required notice of commencement of work to the state
6 12 construction registry internet website pursuant to subsection
6 13 1, within ten days of commencement of the work on the property,
6 14 a subcontractor may submit or post the notice in conjunction
6 15 with the filing of the required preliminary notice pursuant to
6 16 section 572.13B.
6 17 3. At the time a notice of commencement of work is posted on
6 18 the state construction registry internet website, the authority
6 19 shall send a copy of the owner notice described in section
6 20 572.13 along with other relevant information to the owner as
6 21 prescribed by the authority pursuant to rule.
6 22 4. A general contractor who fails to provide notice pursuant
6 23 to this section is not entitled to a lien and remedy provided
6 24 by this chapter.
6 25 5. This section applies only to residential construction
6 26 properties.
6 27 Sec. 9. NEW SECTION. 572.13B Preliminary notice ==
6 28 subcontractor == residential construction.
6 29 1. A subcontractor shall submit a preliminary notice
6 30 to the authority or post a preliminary notice to the state
6 31 construction registry internet website. A preliminary notice
6 32 posted prior to the balance paid to the general contractor
6 33 or owner=builder by the owner is effective as to all labor,
6 34 service, equipment, and material furnished to the property by
6 35 the subcontractor. The preliminary notice shall contain all



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

7 1 of the following information:
7 2 a. The name of the owner.
7 3 b. The state construction registry number.
7 4 c. The name, address, and telephone number of the
7 5 subcontractor furnishing the labor, service, equipment, or
7 6 material.
7 7 d. The name and address of the person who contracted
7 8 with the claimant for the furnishing of the labor, service,
7 9 equipment, or material.
7 10 e. The name of the general contractor or owner-builder under
7 11 which the claimant is performing or will perform the work.
7 12 f. The address of the property or a description of the
7 13 location of the property.
7 14 g. Any other information required by the authority pursuant
7 15 to rule.
7 16 2. A mechanic's lien perfected under this chapter
7 17 is enforceable only to the extent of the balance due the
7 18 general contractor or owner-builder prior to the posting of a
7 19 preliminary notice specified in subsection 1.
7 20 3. At the time a preliminary notice is posted to the state
7 21 construction registry, the authority shall send notification
7 22 to the owner as prescribed by the authority pursuant to rule.
7 23 Notices under this section will not be sent to owner-builders.
7 24 4. A subcontractor who fails to submit or post a preliminary
7 25 notice pursuant to this section shall not be entitled to a lien
7 26 and remedy provided under this chapter.
7 27 5. This section applies only to residential construction
7 28 properties.
7 29 Sec. 10. Section 572.14, Code 2009, is amended by striking
7 30 the section and inserting in lieu thereof the following:
7 31 572.14 Liability to subcontractor after payment to general
7 32 contractor or owner-builder.
7 33 Except as provided in section 572.13B, payment to the
7 34 general contractor or owner-builder by the owner of any part or
7 35 all of the contract price of the building or improvement within



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

8 1 ninety days after the date on which the last of the materials
8 2 was furnished or the last of the labor was performed by a
8 3 subcontractor, does not relieve the owner from liability to the
8 4 subcontractor for the full value of any material furnished or
8 5 labor performed upon the building, land, or improvement if the
8 6 subcontractor files a lien within ninety days after the date
8 7 on which the last of the materials was furnished or the last of
8 8 the labor was performed.

8 9 Sec. 11. Section 572.15, Code 2009, is amended to read as
8 10 follows:

8 11 572.15 Discharge of ~~subcontractor's~~ mechanic's lien == bond.

8 12 A mechanic's lien may be discharged at any time by ~~the owner,~~
~~8 13 principal contractor, or intermediate subcontractor~~ filing with
8 14 the clerk of the district court of the county in which the
8 15 property is located a bond in twice the amount of the sum for
8 16 which the claim for the lien is filed, with surety or sureties,
8 17 to be approved by the clerk, conditioned for the payment of any
8 18 sum for which the claimant may obtain judgment upon the claim.

8 19 Sec. 12. Section 572.17, Code 2009, is amended to read as
8 20 follows:

8 21 572.17 Priority of mechanics' liens between mechanics.

8 22 Mechanics' liens shall have priority over each other in
8 23 the order of the filing of the statements ~~or~~ of accounts as
8 24 ~~herein~~ provided in section 572.8.

8 25 Sec. 13. Section 572.18, subsections 1 and 3, Code 2009, are
8 26 amended to read as follows:

8 27 1. Mechanics' liens filed by a ~~principal~~ general contractor
8 28 or subcontractor within ninety days after the date on which
8 29 the last of the material was furnished or the last of the
8 30 claimant's labor was performed and for which notices were
8 31 required to be submitted or posted to the state construction
8 32 registry internet website pursuant to sections 572.13A and
8 33 572.13B shall be superior to all other liens which may attach
8 34 to or upon a building or improvement and to the land upon which
8 35 it is situated, except liens of record prior to the time of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

9 1 original commencement of the claimant's work or the claimant's
9 2 improvements, except as provided in subsection 2.

9 3 3. The rights of purchasers, encumbrancers, and other
9 4 persons who acquire interests in good faith, for a valuable
9 5 consideration, and without notice of a lien perfected
9 6 pursuant to this chapter, are superior to the claims of all
9 7 general contractors or subcontractors who have perfected their
9 8 liens more than ninety days after the date on which the last
9 9 of the claimant's material was furnished or the last of the
9 10 claimant's labor was performed.

9 11 Sec. 14. Section 572.22, unnumbered paragraph 1, Code 2009,
9 12 is amended to read as follows:

9 13 The clerk of the court shall endorse upon every claim for
9 14 a mechanic's lien filed in the clerk's office the date and
9 15 hour of filing and ~~make an abstract thereof in the mechanic's~~
~~9 16 lien book kept for that purpose. Said book shall be properly~~
9 17 indexed and index every claim in the office of the clerk of the
9 18 county where such real estate is situated. Each claim shall
9 19 contain the following items ~~concerning each claim:~~

9 20 Sec. 15. Section 572.23, subsection 1, Code 2009, is amended
9 21 to read as follows:

9 22 1. When a mechanic's lien is satisfied by payment of the
9 23 claim, the claimant shall acknowledge satisfaction thereof ~~upon~~
~~9 24 the mechanic's lien book, or otherwise in writing,~~ and, if the
9 25 claimant neglects to do so for thirty days after demand in
9 26 writing is personally served upon the claimant, the claimant
9 27 shall forfeit and pay twenty-five dollars to the owner or
9 28 general contractor or owner-builder, and be liable to any
9 29 person injured to the extent of the injury.

9 30 Sec. 16. Section 572.30, Code 2009, is amended to read as
9 31 follows:

9 32 572.30 Action by subcontractor or owner against
9 33 general contractor or owner-builder.

9 34 Unless otherwise agreed, a ~~principal~~ general contractor or
9 35 owner-builder who engages a subcontractor to supply labor or



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

10 1 materials or both for improvements, alterations or repairs
10 2 to a specific ~~owner-occupied dwelling~~ property shall
10 3 pay the subcontractor in full for all labor and
10 4 materials supplied within thirty days after the date
10 5 the ~~principal~~ general contractor or owner-builder receives full
10 6 payment from the owner. If a ~~principal~~ general contractor or
10 7 owner-builder fails without due cause to pay a subcontractor
10 8 as required by this section, the subcontractor, or the
10 9 owner by subrogation, may commence an action against the
10 10 general contractor or owner-builder to recover the amount
10 11 due. Prior to commencing an action to recover the amount
10 12 due, a subcontractor, or the owner by subrogation, shall give
10 13 notice of nonpayment of the cost of labor or materials to
10 14 the ~~principal~~ general contractor or owner-builder paid for
10 15 the improvement. Notice of nonpayment must be in writing,
10 16 delivered in a reasonable manner, and in terms that reasonably
10 17 identify the real estate improved and the nonpayment complained
10 18 of. In an action to recover the amount due a subcontractor,
10 19 or the owner by subrogation, under this section, the court
10 20 in addition to actual damages, shall award a successful
10 21 plaintiff exemplary damages against the general contractor
10 22 or owner-builder in an amount not less than one percent
10 23 and not exceeding fifteen percent of the amount due the
10 24 subcontractor, or the owner by subrogation, for the labor and
10 25 materials supplied, unless the ~~principal~~ general contractor or
10 26 owner-builder does one or both of the following, in which case
10 27 no exemplary damages shall be awarded:
10 28 1. Establishes that all proceeds received from the person
10 29 making the payment have been applied to the cost of labor or
10 30 material furnished for the improvement.
10 31 2. Within fifteen days after receiving notice of nonpayment
10 32 the ~~principal~~ general contractor or owner-builder gives
10 33 a bond or makes a deposit with the clerk of the district
10 34 court, in an amount not less than the amount necessary
10 35 to satisfy the nonpayment for which notice has been given



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

11 1 under this section, and in a form approved by a judge of the
11 2 district court, to hold harmless the owner or person having
11 3 the improvement made from any claim for payment of anyone
11 4 furnishing labor or material for the improvement, other than
11 5 the ~~principal~~ general contractor or owner-builder.

11 6 Sec. 17. Section 572.31, Code 2009, is amended to read as
11 7 follows:

11 8 572.31 ~~Co-operative~~ Cooperative and condominium housing.

11 9 A lien arising under this chapter as a result of the
11 10 construction of an apartment house or apartment building which
11 11 is owned on a ~~co-operative~~ cooperative basis under chapter
11 12 499A, or which is submitted to a horizontal property regime
11 13 under chapter 499B, is not enforceable, notwithstanding any
11 14 contrary provision of this chapter, as against the interests
11 15 of an owner in ~~an owner-occupied dwelling~~ a unit contained in
11 16 the apartment house or apartment building acquired in good
11 17 faith and for valuable consideration, unless a lien statement
11 18 specifically describing the ~~dwelling~~ unit is filed under
11 19 section 572.8 within the applicable time period specified in
11 20 section 572.9, but determined from the date on which the last
11 21 of the material was supplied or the last of the labor was
11 22 performed in the construction of that ~~dwelling~~ unit.

11 23 Sec. 18. Section 572.32, Code 2009, is amended to read as
11 24 follows:

11 25 572.32 Attorney fees == remedies.

11 26 1. In a court action to enforce a mechanic's lien, ~~if~~
~~11 27 the plaintiff furnished labor or materials directly to the~~
~~11 28 defendant,~~ a prevailing plaintiff may be awarded reasonable
11 29 attorney fees.

11 30 2. In a court action to challenge a filed mechanic's lien
11 31 ~~filed on an owner-occupied dwelling,~~ if the person challenging
11 32 the lien prevails, the court may award reasonable attorney
11 33 fees and actual damages. If the court determines that the
11 34 mechanic's lien was filed in bad faith or the supporting
11 35 affidavit was materially false, the court shall award the owner



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

12 1 reasonable attorney fees plus an amount not less than five
12 2 hundred dollars or the amount of the lien, whichever is less.

12 3 Sec. 19. Section 572.33, Code 2009, is amended to read as
12 4 follows:

12 5 572.33 Requirement of notification for commercial
12 6 construction.

12 7 1. The notification requirements in this section apply only
12 8 to commercial construction.

12 9 ~~1- 2.~~ A person furnishing labor or materials to a
12 10 subcontractor shall not be entitled to a lien under this
12 11 chapter unless the person furnishing labor or materials does
12 12 all of the following:

12 13 a. Notifies the principal general contractor or
12 14 owner-builder in writing with a one-time notice containing
12 15 the name, mailing address, and telephone number of the
12 16 person furnishing the labor or materials, and the name of the
12 17 subcontractor to whom the labor or materials were furnished,
12 18 within thirty days of first furnishing labor or materials for
12 19 which a lien claim may be made. Additional labor or materials
12 20 furnished by the same person to the same subcontractor for
12 21 use in the same construction project shall be covered by this
12 22 notice.

12 23 b. Supports the lien claim with a certified statement that
12 24 the principal general contractor or owner-builder was notified
12 25 in writing with a one-time notice containing the name, mailing
12 26 address, and telephone number of the person furnishing the
12 27 labor or materials, and the name of the subcontractor to whom
12 28 the labor or materials were furnished, within thirty days
12 29 after the labor or materials were first furnished, pursuant to
12 30 paragraph "a".

12 31 ~~2. This section shall not apply to a mechanic's lien on~~
~~12 32 single-family or two-family dwellings occupied or used or~~
~~12 33 intended to be occupied or used for residential purposes.~~

12 34 3. Notwithstanding other provisions of this chapter, a
12 35 principal general contractor or owner-builder shall not be



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

13 1 prohibited from requesting information from a subcontractor
13 2 or a person furnishing labor or materials to a subcontractor
13 3 regarding payments made or payments to be made to a person
13 4 furnishing labor or materials to a subcontractor.
13 5 Sec. 20. NEW SECTION. 572.34 State construction registry ==
13 6 residential construction.
13 7 1. A state construction registry is created within the
13 8 authority. The authority shall adopt rules pursuant to chapter
13 9 17A for the creation and administration of the registry.
13 10 2. The state construction registry shall be accessible to
13 11 the general public through the authority's internet website.
13 12 3. The registry shall be indexed by owner name, general
13 13 contractor name, state construction registry number, property
13 14 address, legal description, and any other identifier considered
13 15 appropriate as determined by the authority.
13 16 4. A general contractor, owner-builder, or subcontractor
13 17 who posts fictitious, forged, or false information to the
13 18 state construction registry shall be subject to a penalty as
13 19 determined by the authority by rule.
13 20 5. A person may post a correction statement with respect to
13 21 a record indexed in the state construction registry internet
13 22 website if the person believes the record is inaccurate or
13 23 wrongfully posted.
13 24 6. The authority shall charge and collect fees as
13 25 established by rule necessary for the administration and
13 26 maintenance of the registry and the registry's internet
13 27 website.
13 28 7. A state construction registry fund is created within
13 29 the authority. Moneys collected by the authority pursuant to
13 30 subsection 6 shall be for the maintenance and administration of
13 31 the state construction registry. Section 8.33 does not apply
13 32 to any moneys in the fund, and notwithstanding section 12C.7,
13 33 subsection 2, earnings or interest on moneys deposited in the
13 34 fund shall be credited to the fund.
13 35 8. Notices may be posted to the state construction registry



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

House Study Bill 559 continued

14 1 electronically on the authority's internet website, or may
14 2 be sent to the authority by United States mail, facsimile
14 3 transmission, or other alternate method as provided by the
14 4 authority pursuant to rule.

14 5 9. Information collected by and furnished to the authority
14 6 in conjunction with the submission and posting of notices
14 7 pursuant to sections 572.13A and 572.13B shall be used by the
14 8 authority solely for the purposes of the state construction
14 9 registry.

14 10 10. This section applies only to residential construction
14 11 properties.

14 12 Sec. 21. Section 572.16, Code 2009, is repealed.

14 13 Sec. 22. EFFECTIVE DATE. This Act takes effect July 1,
14 14 2011.

14 15 EXPLANATION

14 16 This bill relates to mechanics' liens including the
14 17 establishment of a state construction registry for residential
14 18 construction property and provides an effective date.

14 19 The bill changes all references to "principal contractor"
14 20 and "contractor" to "general contractor", defined in the
14 21 bill to mean a person who does work or furnishes materials
14 22 by contract, express or implied, with an owner. "General
14 23 contractor" does not include a person who does work or
14 24 furnishes materials on contract with an owner-builder.

14 25 The bill defines "owner-builder" as the record titleholder
14 26 who offers or intends to offer to sell the owner-builder's
14 27 property without occupying or using the structures, properties,
14 28 developments, or improvements for more than one year from the
14 29 date the structure, property, development, or improvement
14 30 is substantially completed or abandoned. The bill extends
14 31 provisions currently in the Code for general contractors to
14 32 owner-builders. These provisions relate to perfecting a lien,
14 33 the acknowledgment of a lien that has been satisfied by payment
14 34 of a claim, actions by subcontractors or owners to recover
14 35 amounts due, and certain notification requirements. The bill



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Study Bill 559 continued

15 1 also extends provisions for general contractors relating to
15 2 notification requirements for commercial construction to
15 3 owner=builders.

15 4 The bill provides that a person who intends to perfect a
15 5 mechanic's lien shall include the address of the property or
15 6 a description of the location of the property in the person's
15 7 verified statement.

15 8 The bill provides that a general contractor who has
15 9 contracted or will contract with a subcontractor to provide
15 10 labor or furnish material for the property shall provide the
15 11 owner with an owner notice stating that persons or companies
15 12 furnishing labor or materials for the improvement of real
15 13 property may enforce a lien upon the improved property if they
15 14 are not paid, even if the parties have no direct contractual
15 15 relationship with the owner. The notice shall also provide
15 16 information relating to the availability of information posted
15 17 on the state construction registry established by the bill.
15 18 A general contractor who fails to provide such notice to
15 19 the owner is not entitled to a mechanic's lien and remedies
15 20 pursuant to Code chapter 572.

15 21 The bill provides that a general contractor or owner=builder
15 22 shall submit a notice of commencement of work to the Iowa
15 23 finance authority or post a notice of commencement of
15 24 work, including certain specific information, to the state
15 25 construction registry.

15 26 The bill requires a subcontractor to submit a preliminary
15 27 notice to the authority or post a preliminary notice, including
15 28 certain specific information, to the state construction
15 29 registry. A preliminary notice received by the authority or
15 30 posted prior to the balance paid to the general contractor
15 31 or owner=builder by the owner is effective as to all labor,
15 32 service, equipment, or material furnished to the property
15 33 subsequent to the posting of the notice of commencement
15 34 of work. A subcontractor who fails to submit or post a
15 35 preliminary notice pursuant shall not be entitled to a lien and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Study Bill 559 continued

16 1 remedy provided under Code chapter 572.

16 2 The bill provides that the provisions relating to the
16 3 requirement that a general contractor and a subcontractor
16 4 post notices to the state construction registry apply only to
16 5 residential construction properties.

16 6 The bill provides that payment to the general contractor or
16 7 owner-builder by the owner of any part or all of the contract
16 8 price of the building or improvement within 90 days after the
16 9 date on which the last of the materials was furnished or the
16 10 last of the labor was performed by a subcontractor, does not
16 11 relieve the owner from liability to the subcontractor for the
16 12 full value of any material furnished or labor performed upon
16 13 the building, land, or improvement if the subcontractor files
16 14 a lien within 90 days after the date on which the last of the
16 15 materials was furnished or the last of the labor was performed.

16 16 The bill provides for the creation of a state construction
16 17 registry for residential construction property for the
16 18 posting of notices by general contractors, owner-builders, and
16 19 subcontractors which such persons must post in order to protect
16 20 their lien rights. The state construction registry, once
16 21 created, shall be a publicly accessible centralized electronic
16 22 database created and maintained by the Iowa finance authority.
16 23 The Iowa finance authority shall adopt rules pursuant to Code
16 24 chapter 17A for the creation and administration of the registry
16 25 which shall include a specific index and which shall be funded
16 26 through the collection of fees. The registry provides a
16 27 centralized resource of all persons or companies furnishing
16 28 labor or materials who may file a lien upon the improved
16 29 property. Data collected by and furnished to the authority in
16 30 conjunction with the submission and posting of notices to the
16 31 state construction registry internet website shall be used by
16 32 the authority for the purposes of the registry.

16 33 The bill eliminates the requirement that the clerk of court
16 34 make an abstract of a claim for a mechanic's lien but requires
16 35 the clerk instead to index every claim in the office of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

House Study Bill 559 continued

17 1 county where such real estate is located.
17 2 The bill expands the right to recover attorney fees from any
17 3 prevailing plaintiff who furnishes materials or labor directly
17 4 to the defendant to any prevailing defendant.
17 5 The bill repeals Code section 572.16 relating to rules of
17 6 construction regarding the owner's obligation to pay certain
17 7 amounts in the owner's contract with the general contractor.
17 8 The bill takes effect July 1, 2011.

LSB 5016HC (5) 83

rh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5001

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 1, line 33, after <Secondary> by
1 3 inserting <Education>

BECKY SCHMITZ
LSB 5609SV.38 (3) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5002

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 1, line 13, by striking <organization> and
1 3 inserting <organizations>
1 4 #2. Page 1, line 24, by striking <organization> and
1 5 inserting <organizations>

PAUL MCKINLEY
LSB 5609SV.34 (5) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5003

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 1, line 3, by striking <a. >
1 3 #2. By striking page 1, line 11, through page 2,
1 4 line 4.

KIM REYNOLDS
LSB 5609SV.28 (2) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5004

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 1, line 2, by striking <subsection> and
1 3 inserting <subsections>
1 4 #2. Page 1, after line 2 by inserting: <
1 5 NEW SUBSECTION. 59. Develop a teacher assessment
1 6 model and a model teacher review process. The teacher
1 7 assessment model shall rely primarily on student
1 8 achievement growth. The teacher review process shall
1 9 be aligned with the teacher assessment model. The
1 10 director shall develop model standards of teacher
1 11 performance that describe the following levels of
1 12 performance:
1 13 a. Superior performance.
1 14 b. Exceeds expectations.
1 15 c. Satisfactory.
1 16 d. Emerging.
1 17 e. In need of remediation.>
1 18 #3. Page 14, by inserting after line 33 the
1 19 following: <Sec. ____.
1 20 Section 279.14, Code 2009, is amended
1 21 by adding the following new subsection:
1 22 NEW SUBSECTION. 3. A school board may adopt the
1 23 model teacher assessment and model teacher review
1 24 process developed pursuant to section 256.9, subsection
1 25 59. Notwithstanding this section, section 279.15, and
1 26 chapter 20, if a school board, utilizing the model
1 27 teacher review process, determines that a teacher is
1 28 in need of remediation, and the teacher participates
1 29 in remediation efforts but student achievement in the
1 30 teacher's classroom is not raised to a sufficient level
1 31 as determined by the school board, the school board may
1 32 terminate the individual's continuing teaching contract
1 33 after serving notice to the individual in accordance
1 34 with section 279.15, subsection 2. >
1 35 #4. Title page, line 2 after <schools,> by
1 36 inserting <the development and adoption of a teacher
1 37 assessment model and a model teacher review process,>
1 38 #5. By renumbering as necessary.

SHAWN HAMERLINCK
LSB 5609HV.42 (2) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5005

PAG LIN

1 1 Amend Senate File 2033 as follows:

1 2 #1. Page 2, by striking line 32 and

1 3 inserting <school board of directors of a charter

1 4 school, a postsecondary board, or an innovation>

1 5 #2. Page 3, line 4, by striking <subsection 3, Code

1 6 2009, is> and inserting <subsections 3 and 5, Code

1 7 2009, are>

1 8 #3. Page 3, after line 8 by inserting: <

1 9 5. "School board" means a the board of directors

1 10 ~~regularly elected by the registered voters of a~~

1 11 ~~school district or of an area education agency, as~~

1 12 ~~appropriate.~~ >

1 13 #4. Page 3, after line 23 by inserting: <

1 14 4C. "Postsecondary board" means the board of

1 15 directors of a community college or the state board of

1 16 regents, as appropriate. >

1 17 #5. Page 4, line 16, by striking <receive approval>

1 18 and inserting <register>

1 19 #6. Page 5, line 7, by striking <approved by> and

1 20 inserting <~~approved by~~ registered with>

1 21 #7. Page 5, lines 25 and 26, by striking <an

1 22 application for approval to establish the charter

1 23 school> and inserting <~~an application for approval to~~

1 24 ~~establish the charter school the application~~>

1 25 #8. Page 6, by striking lines 1 through 6 and

1 26 inserting <~~42 U.S.C. { 1751-1785, and chapter 283A.~~

1 27 ~~The state board shall approve only those applications~~

1 28 ~~that meet the requirements specified in section 256F.1,~~

1 29 ~~subsection 3, and sections 256F.4 and 256F.5. The~~

1 30 ~~state board may deny an application if the state board~~

1 31 ~~deems that approval of the application is not in the~~

1 32 ~~best interest of the affected students. The state~~

1 33 ~~board~~>

1 34 #9. Page 6, by striking line 29 and inserting: <

1 35 1. Within fifteen days ~~after approval~~ of

1 36 registering a charter school >

1 37 #10. Page 6, line 31, after <board> by inserting <,

1 38 postsecondary board,>

1 39 #11. Page 7, line 19, by striking <approved> and

1 40 inserting <~~approved~~ registered>

1 41 #12. Page 8, line 21, after <10> by inserting <,

1 42 unless the charter school was registered by the

1 43 board of directors of an area education agency or a

1 44 postsecondary board>

1 45 #13. Page 9, line 2, after <257> by inserting <,

1 46 except as provided in paragraph "c" >

1 47 #14. Page 9, after line 5 by inserting: <

1 48 c. A student enrolled in a charter school

1 49 registered by an area education agency or a

1 50 postsecondary board shall not be included in the basic



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5005 continued

2 1 enrollment of the student's district of residence,
2 2 and the area education agency or postsecondary board
2 3 shall report the enrollment of the student directly to
2 4 the department of education for state foundation aid
2 5 purposes pursuant to chapter 257. >
2 6 #15. Page 9, by striking line 10 and inserting: <
2 7 An application submitted to the state board for the
2 8 ~~approval of~~ purposes of registering a >
2 9 #16. Page 9, line 29, after <district> by
2 10 inserting <, area education agency, postsecondary
2 11 board,>
2 12 #17. Page 10, line 26, after <board> by inserting <,
2 13 postsecondary board,>
2 14 #18. Page 10, line 31, by striking <both> and
2 15 inserting <~~both~~>
2 16 #19. Page 10, line 31, after <board> by inserting <,
2 17 postsecondary board,>
2 18 #20. Page 11, line 6, by striking <approved> and
2 19 inserting <~~approved~~ registered>
2 20 #21. Page 11, line 17, after <board> by inserting <,
2 21 postsecondary board,>
2 22 #22. Page 11, line 23, by striking <district> and
2 23 inserting <~~district~~ board or postsecondary board>
2 24 #23. Page 11, line 31, after <school board> by
2 25 inserting <or postsecondary board>
2 26 #24. Page 12, line 18, after <board> by inserting <,
2 27 postsecondary board,>
2 28 #25. Page 12, line 22, after <board> by inserting <,
2 29 a postsecondary board,>
2 30 #26. Page 12, line 31, after <board> by inserting <or
2 31 postsecondary board,>
2 32 #27. Page 12, line 33, after <board> by inserting <or
2 33 postsecondary board,>
2 34 #28. Page 13, line 1, after <board> by inserting <,
2 35 postsecondary board,>
2 36 #29. Page 13, line 6, after <board> by inserting <,
2 37 postsecondary board,>
2 38 #30. Page 13, line 11, after <board> by inserting <,
2 39 postsecondary board,>
2 40 #31. Page 13, by striking line 22 and inserting: <
2 41 6. A school board or postsecondary board revoking
2 42 a contract or a school board, postsecondary board, >
2 43 #32. Page 14, line 13, after <board> by inserting <,
2 44 postsecondary board,>
2 45 #33. Page 14, line 15, after <board> by inserting <,
2 46 postsecondary board,>
2 47 #34. Title page, line 1, by striking <approval> and
2 48 inserting <registration>

NANCY J. BOETTGER

JERRY BEHN



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

JAMES F. HAHN

SHAWN HAMERLINCK

DAVID L. HARTSUCH

TIM KAPUCIAN

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LARRY NOBLE

KIM REYNOLDS

JAMES A. SEYMOUR

PAT WARD

BRAD ZAUN
LSB 5609SV.30 (9) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5006

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 2, after line 4 by inserting: <
1 3 c. A school district that receives school
1 4 improvement funds under Tit.I of the federal
1 5 Elementary and Secondary Education Act of 1965 shall
1 6 not supplement or supplant the school improvement funds
1 7 with property tax revenues. >

RANDY FEENSTRA
LSB 5609SV.32 (4) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5007

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 2, after line 4 by inserting: <
1 3 c. A school district required to implement one
1 4 or more interventions pursuant to paragraph "a" shall
1 5 require that assessment of student progress be included
1 6 in the criteria for evaluating teachers. >

NANCY J. BOETTGER
LSB 5609SV.76 (2) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5008

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 14, after line 33 by inserting: Sec. ____.
1 3 NEW SECTION. 256F.12 Charter school
1 4 expansion.
1 5 1. Notwithstanding any contrary provisions of this
1 6 chapter, the purpose of a charter school established
1 7 pursuant to this chapter shall be to do the following:
1 8 a. Improve student learning.
1 9 b. Increase learning opportunities for all
1 10 students, with special emphasis on expanded learning
1 11 experiences for students identified as academically
1 12 low-achieving.
1 13 c. Encourage different and innovative methods of
1 14 teaching.
1 15 d. Increase choice of learning opportunities for
1 16 children.
1 17 e. Create innovative measurement tools for
1 18 measuring learning outcomes.
1 19 f. Relieve schools of paperwork and procedures
1 20 that are otherwise required by the state, except those
1 21 required for purposes of safety, fiscal accountability,
1 22 and documentation of student achievement.
1 23 2. Notwithstanding any contrary provisions of this
1 24 chapter or any other provision of law, approval of a
1 25 charter school application submitted to the state board
1 26 by a person shall be based on consideration of all of
1 27 the following:
1 28 a. The charter school's budget in detail.
1 29 b. The methods by which academic achievement will
1 30 be measured.
1 31 c. The measures that will be used to assure that at
1 32 least ninety-five percent of the students enrolled in
1 33 the charter school will demonstrate a minimum of one
1 34 year of academic growth for each year of instruction.
1 35 d. The administration of the Iowa test of basic
1 36 skills and the Iowa tests of educational development in
1 37 the manner and frequency used by the majority of school
1 38 districts in this state.
1 39 e. The admissions procedures and dismissal
1 40 procedures to be employed.
1 41 f. The qualifications to be required of the
1 42 teachers.
1 43 3. A charter school shall be open to all students
1 44 and shall have the maximum flexibility to enroll
1 45 students.
1 46 4. A charter school shall be free of tuition and
1 47 application and other fees, except those fees regularly
1 48 charged by other public schools, to Iowa resident
1 49 students between the ages of five and twenty-one.
1 50 5. A charter school established pursuant to this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5008 continued

2 1 chapter shall submit the following reports to the state
2 2 board:
2 3 a. The charter school's progress toward achieving
2 4 the goals outlined in the charter school proposal.
2 5 b. The financial records of the charter school. >
2 6 #2. By renumbering as necessary.

PAUL McKINLEY
LSB 5609SV.75 (2) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Amendment 5009

PAG LIN

1 1 Amend Senate File 2033 as follows:
1 2 #1. Page 2, after line 4 by inserting: Sec. ____.
1 3 Section 256.11, Code Supplement 2009,
1 4 is amended by adding the following new subsection:
1 5 NEW SUBSECTION. 9C. Beginning July 1, 2011, each
1 6 school district shall make all textbooks, pamphlets,
1 7 and video used for the school district's coursework
1 8 available, at least two months prior to use by the
1 9 school district, for inspection by the parents and
1 10 guardians of students enrolled in the school district. >
1 11 #2. Page 14, after line 33 by inserting: Sec. ____.
1 12 EFFECTIVE UPON ENACTMENT. The section
1 13 of this Act enacting section 256.11, subsection 9C,
1 14 being deemed of immediate importance, takes effect upon
1 15 enactment. >
1 16 #3. Title page, line 4, after <agencies,> by
1 17 inserting <the inspection of certain educational
1 18 materials prior to their use,>
1 19 #4. Title page, line 5, after <schools> by
1 20 inserting <, and including effective date provisions>
1 21 #5. By renumbering as necessary.

DAVID L. HARTSUCH
LSB 5609SV.78 (3) 83
kh/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Concurrent Resolution 101 -
Introduced

PAG LIN

SENATE CONCURRENT RESOLUTION NO.

BY COMMITTEE ON RULES AND ADMINISTRATION

1 1 A Concurrent Resolution amending the joint rules of
1 2 the Senate and House of Representatives relating to
1 3 session timetable changes.

1 4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
1 5 REPRESENTATIVES CONCURRING, That Rule 20, subsections
1 6 2 and 3, of the Joint Rules of the Senate and House
1 7 of Representatives, as adopted by the Senate and
1 8 House of Representatives during the 2009 Session in
1 9 House Concurrent Resolution 3, are amended to read as
1 10 follows:

1 11 2. To be placed on the calendar in the house of
1 12 origin, a bill must be first reported out of a standing
1 13 committee by Friday of the 9th week of the first
1 14 session and the ~~8th~~ 5th week of the second session. To
1 15 be placed on the calendar in the other house, a bill
1 16 must be first reported out of a standing committee by
1 17 Friday of the 13th week of the first session and the
1 18 ~~11th~~ 8th week of the second session.

1 19 3. During the 11th week of the first session ~~and~~
~~1 20 the 9th week of the second session~~, each house shall
1 21 consider only bills originating in that house and
1 22 unfinished business. During the 14th week of the
1 23 first session ~~and the 12th week of the second session~~,
1 24 each house shall consider only bills originating in
1 25 the other house and unfinished business. Beginning
1 26 with the 15th week of the first session and the
1 27 ~~13th~~ 10th week of the second session, each house shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Concurrent Resolution 101 - Introduced continued

- 2 1 consider only bills passed by both houses, bills exempt
- 2 2 from subsection 2, and unfinished business.

LSB 5123SV (8) 83

rj/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2034 - Introduced

SENATE FILE
BY DANDEKAR

A BILL FOR

1 An Act relating to the establishment of school district
2 policies to prevent and address incidents of dating
3 violence, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5083XS (9) 83
kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2034 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.9, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 59. a. Develop and distribute, by July 1,
1 4 2011, to all school districts a model dating violence policy
1 5 to assist school districts in developing policies for dating
1 6 violence reporting, response, and appropriate disciplinary
1 7 procedures.
1 8 b. Review and approve the grade level topics relating
1 9 to dating violence and healthy relationships in the health
1 10 curriculum required pursuant to section 256.11, subsection
1 11 4, and the curriculum standards required pursuant to section
1 12 256.11, subsection 5, paragraph "j".
1 13 Sec. 2. Section 256.11, subsection 4, Code Supplement 2009,
1 14 is amended to read as follows:
1 15 4. The following shall be taught in grades seven and
1 16 eight: \$MEnglish=language arts; social studies; mathematics;
1 17 science; health; age=appropriate and research=based human
1 18 growth and development; family, consumer, career, and
1 19 technology education; physical education; music; and visual
1 20 art. The health curriculum shall incorporate age=appropriate
1 21 dating violence education as specified in section 279.68,
1 22 subsection 6, and shall also include age=appropriate and
1 23 research=based information regarding the characteristics
1 24 of sexually transmitted diseases, including HPV and the
1 25 availability of a vaccine to prevent HPV, and acquired immune
1 26 deficiency syndrome. The state board as part of accreditation
1 27 standards shall adopt curriculum definitions for implementing
1 28 the program in grades seven and eight. However, this
1 29 subsection shall not apply to the teaching of family, consumer,
1 30 career, and technology education in nonpublic schools. For
1 31 purposes of this section, "age=appropriate", "HPV", and
1 32 "research=based" mean the same as defined in section 279.50.
1 33 Sec. 3. Section 256.11, subsection 5, paragraph j,
1 34 unnumbered paragraph 1, Code Supplement 2009, is amended to
1 35 read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2034 - Introduced continued

2 1 One unit of health education which shall include personal
2 2 health; food and nutrition; environmental health; safety and
2 3 survival skills; consumer health; family life; age=appropriate
2 4 dating violence education as specified in section 279.68,
2 5 subsection 6; age=appropriate and research-based human growth
2 6 and development; substance abuse and nonuse; emotional and
2 7 social health; health resources; and prevention and control
2 8 of disease, including age=appropriate and research-based
2 9 information regarding sexually transmitted diseases, including
2 10 HPV and the availability of a vaccine to prevent HPV, and
2 11 acquired immune deficiency syndrome.
2 12 Sec. 4. NEW SECTION. 279.68 Dating violence prevention and
2 13 education policy.
2 14 1. Legislative findings. The general assembly finds that
2 15 when a student is a victim of dating violence, the student's
2 16 academic life suffers and the student's safety at school
2 17 is jeopardized. The general assembly declares that all
2 18 students have a right to work and study in a safe, supportive
2 19 environment that is free from harassment, intimidation, and
2 20 violence. It is the intent of the general assembly that the
2 21 board of directors of each school district shall establish a
2 22 policy to create an environment free of dating violence and for
2 23 responding to incidents of dating violence, and shall provide
2 24 dating violence education to students, parents, staff, faculty,
2 25 and administrators in order to prevent dating violence and to
2 26 address incidents involving student dating violence.
2 27 2. Definitions. As used in this section, unless the context
2 28 otherwise requires:
2 29 a. "At school" means in a classroom on or immediately
2 30 adjacent to school premises; on a school bus or other
2 31 school-related vehicle; at an official school bus stop; or at
2 32 any school-sponsored activity or event whether or not it takes
2 33 place on school grounds.
2 34 b. "Dating partner" means any person, regardless of gender,
2 35 involved in an intimate relationship with another primarily



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2034 - Introduced continued

3 1 characterized by the expectation of affectionate involvement
3 2 whether casual, serious, or long-term.
3 3 c. "Dating violence" means a pattern of behavior pursuant
3 4 to which a person uses threats of, or actually uses, physical,
3 5 sexual, verbal, or emotional abuse to control the person's
3 6 dating partner.
3 7 3. Policy. By December 1, 2011, the board of directors
3 8 of each school district shall establish a specific policy to
3 9 address incidents of dating violence involving students at
3 10 school. Each school district shall verify compliance with this
3 11 section with the department of education on an annual basis
3 12 through the comprehensive school improvement plan submitted
3 13 pursuant to section 256.7, subsection 21.
3 14 a. The policy shall include but not be limited to a
3 15 statement that dating violence will not be tolerated, dating
3 16 violence reporting procedures, guidelines for responding
3 17 to at-school incidents of dating violence, and discipline
3 18 procedures specific to such incidents.
3 19 b. To ensure notice of the school district's dating violence
3 20 policy, the policy shall be published in any school district
3 21 policy or handbook that sets forth the comprehensive rules,
3 22 procedures, and standards of conduct for students at school.
3 23 4. Training. The board of directors of each school
3 24 district shall provide for dating violence training for all
3 25 administrators, teachers, nurses, and mental health staff at
3 26 the middle and high school levels by December 1, 2011, and
3 27 yearly thereafter to all newly hired administrators, teachers,
3 28 nurses, and mental health staff. Upon the recommendation of an
3 29 administrator, other staff may be included or may attend the
3 30 training on a volunteer basis. The dating violence training
3 31 shall include but not be limited to basic principles of
3 32 dating violence, the warning signs of dating violence, and the
3 33 school district's dating violence policy, to ensure that those
3 34 receiving the training are able to appropriately respond to
3 35 incidents of dating violence at school.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2034 - Introduced continued

4 1 5. Notification of policy. The board of directors of each
4 2 school district shall inform the students' parents or legal
4 3 guardians of the school district's dating violence policy. If
4 4 requested, the school district shall provide the parents or
4 5 legal guardians with the school district's dating violence
4 6 policy and relevant information. The board of directors of
4 7 each school district is strongly encouraged to provide parent
4 8 awareness training.

4 9 6. Health curriculum and standards. The board of directors
4 10 of each school district shall incorporate dating violence
4 11 education that is age-appropriate into the health curriculum
4 12 and curriculum standards for students in grades seven
4 13 through twelve which are required pursuant to section 256.11,
4 14 subsection 4, and section 256.11, subsection 5, paragraph "j".

4 15 a. Dating violence education shall include but not
4 16 be limited to information on the definition of dating
4 17 violence, recognizing dating violence warning signs, and the
4 18 characteristics of healthy relationships.

4 19 b. Upon written request to the principal of the school of
4 20 attendance, a parent or legal guardian of a student, within
4 21 a reasonable period of time after the request is made, shall
4 22 be permitted to examine the dating violence education program
4 23 instruction materials at the school in which the student is
4 24 enrolled.

4 25 7. Remedies and liability. This section does not prevent
4 26 a victim from seeking redress under any other available law,
4 27 either civil or criminal. This section does not create or
4 28 alter any tort liability.

4 29 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
4 30 with section 25B.2, subsection 3, the state cost of requiring
4 31 compliance with any state mandate included in this Act shall
4 32 be paid by a school district from state school foundation aid
4 33 received by the school district under section 257.16. This
4 34 specification of the payment of the state cost shall be deemed
4 35 to meet all of the state funding-related requirements of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2034 - Introduced continued

5 1 section 25B.2, subsection 3, and no additional state funding
5 2 shall be necessary for the full implementation of this Act
5 3 by and enforcement of this Act against all affected school
5 4 districts.

5 5 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate
5 6 importance, takes effect upon enactment.

5 7 EXPLANATION

5 8 This bill requires school districts to adopt a dating
5 9 violence policy by December 1, 2011, provide dating violence
5 10 training to faculty and staff, and incorporate age-appropriate
5 11 dating violence education into the health curriculum and
5 12 standards for students in grades 7 through 12. The bill
5 13 also requires the director of the department of education to
5 14 develop and distribute to all school districts a model dating
5 15 violence policy by July 1, 2011, to assist school districts in
5 16 developing policies for dating violence reporting, response,
5 17 and appropriate disciplinary procedures; and to review and
5 18 approve the grade level topics relating to dating violence and
5 19 healthy relationships in the health curriculum required under
5 20 the state's education standards.

5 21 The bill includes the general assembly's finding that
5 22 dating violence causes a student's academic life to suffer
5 23 and jeopardizes the student's safety; the general assembly's
5 24 declaration that all students have a right to work and study in
5 25 a safe, supportive environment that is free from harassment,
5 26 intimidation, and violence; and the intent of the general
5 27 assembly that school districts shall establish a dating
5 28 violence policy and provide dating violence education to
5 29 students, parents, staff, faculty, and administrators.

5 30 The bill defines dating violence to mean a pattern of
5 31 behavior pursuant to which a person uses threats of, or
5 32 actually uses, physical, sexual, verbal, or emotional abuse
5 33 to control the person's dating partner. "Dating partner" is
5 34 defined as any person, regardless of gender, involved in an
5 35 intimate relationship with another primarily characterized



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate File 2034 - Introduced continued

6 1 by the expectation of affectionate involvement whether
6 2 casual, serious, or long-term. "At school" means in a
6 3 classroom on or immediately adjacent to school premises, on
6 4 school-related vehicles, at an official school bus stop, or at
6 5 any school-sponsored activity or event.
6 6 The policy must include a statement that dating violence
6 7 will not be tolerated, dating violence reporting procedures,
6 8 guidelines for responding to at-school incidents of dating
6 9 violence, and discipline procedures specific to such incidents.
6 10 The policy must be published in any school district policy or
6 11 handbook.
6 12 The training must include the basic principles of dating
6 13 violence and the warning signs of dating violence to ensure
6 14 that those receiving the training are able to appropriately
6 15 respond to incidents of dating violence at school.
6 16 The school district must inform the students' parents or
6 17 legal guardians of the school district's dating violence policy
6 18 and, if requested, provide them with the policy and relevant
6 19 information. The bill strongly encourages school districts to
6 20 provide parent awareness training.
6 21 The health curriculum and standards must include
6 22 information on defining dating violence, recognizing dating
6 23 violence warning signs, and the characteristics of healthy
6 24 relationships.
6 25 The bill does not prevent a victim from seeking redress under
6 26 any other available law, and does not create or alter any tort
6 27 liability.
6 28 The bill may include a state mandate as defined in Code
6 29 section 25B.3. The bill requires that the state cost of
6 30 any state mandate included in the bill be paid by a school
6 31 district from state school foundation aid received by the
6 32 school district under section 257.16. The specification is
6 33 deemed to constitute state compliance with any state mandate
6 34 funding-related requirements of Code section 25B.2. The
6 35 inclusion of this specification is intended to reinstate the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate File 2034 - Introduced continued

7 1 requirement of political subdivisions to comply with any state
7 2 mandates included in the bill.

7 3 The bill takes effect upon enactment.

LSB 5083XS (9) 83

kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2035 - Introduced

SENATE FILE
BY DANDEKAR and OLIVE

A BILL FOR

1 An Act relating to the registration of antique motor vehicles
2 and providing a fee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5051SS (8) 83
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2035 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.112, Code 2009, is amended to read
1 2 as follows:
1 3 321.112 Minimum motor vehicle fee.
1 4 No motor vehicle, except as provided in ~~section~~ sections
1 5 321.115 and 321.117, shall be registered for a registration
1 6 year for less than ten dollars.
1 7 Sec. 2. Section 321.115, subsection 1, paragraphs a through
1 8 b, Code 2009, are amended to read as follows:
1 9 a. A motor vehicle twenty-five years old or older may be
1 10 registered as an antique vehicle. ~~The~~ Except as provided in
1 11 paragraph "b", the annual registration fee is the fee provided
1 12 in section 321.113, 321.122, or 321.124.
1 13 b. The owner of a motor ~~truck, truck tractor, road tractor,~~
1 14 ~~or motor home~~ vehicle that is twenty-five years old or older
1 15 who desires to use the vehicle exclusively for exhibition or
1 16 educational purposes at state or county fairs, or at other
1 17 places where the vehicle may be exhibited for entertainment or
1 18 educational purposes, may register the vehicle as a "~~limited~~
1 19 ~~use~~" vehicle ~~in accordance with sections 321.58 through 321.62.~~
1 20 ~~The "limited use" registration~~ limited use antique vehicle
1 21 for an annual fee of five dollars. Registration under this
1 22 paragraph permits driving of the vehicle upon the public
1 23 roads to and from state and county fairs or other places of
1 24 entertainment or education for exhibition or educational
1 25 purposes, ~~and~~ to and from service stations for the purpose
1 26 of receiving necessary maintenance, ~~or~~ for the purposes of
1 27 transporting, testing, demonstrating, or selling the vehicle,
1 28 or for other occasional use. For purposes of this paragraph,
1 29 "other occasional use" means driving of the vehicle for not more
1 30 than a total of one thousand miles annually.

1 31 EXPLANATION
1 32 Currently, if a motor vehicle is 25 years old or older,
1 33 the owner may register the vehicle as an antique vehicle,
1 34 subject to the regular registration fees for the vehicle. The
1 35 registration entitles the owner to display authentic model year



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate File 2035 - Introduced continued

2 1 registration plates from the model year of the vehicle. If the
2 2 vehicle is a motor truck, truck tractor, road tractor, or motor
2 3 home that is used exclusively for exhibition or educational
2 4 purposes, the owner may apply for a limited use registration
2 5 subject to a fee of \$70 for a two-year certificate and \$40 for
2 6 a set of registration plates valid for the two-year period.
2 7 The limited use registration allows the display of model year
2 8 registration plates and also permits driving to and from state
2 9 and county fairs and other places for exhibition and education
2 10 purposes and to and from service stations, or for purposes of
2 11 transporting, testing, demonstrating, or selling the vehicle.
2 12 This bill allows the owner of any antique motor vehicle
2 13 the option of registering the vehicle as a limited use
2 14 antique vehicle for an annual fee of \$5. The bill adds "other
2 15 occasional use" to the purposes for which a limited use antique
2 16 vehicle may be driven, and defines "other occasional use" to
2 17 mean driving not more than 1,000 miles annually.

LSB 5051SS (8) 83

dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2036 - Introduced

SENATE FILE
BY KETTERING

A BILL FOR

1 An Act relating to the enforcement of weight limitations for
2 vehicles with retractable axles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5336XS (2) 83
dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2036 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.463, Code Supplement 2009, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 13. A vehicle or combination of vehicles
1 4 is exempt from the weight limitations of this section when
1 5 a retractable axle is raised in order to complete a turn,
1 6 provided that the retractable axle is lowered at the earliest
1 7 opportunity following the turn and the vehicle or combination
1 8 of vehicles is in compliance with the weight limitations of
1 9 this section when the retractable axle is lowered.

1 10 EXPLANATION

1 11 This bill provides a temporary exemption from axle weight
1 12 limitations for a vehicle or combination of vehicles when a
1 13 retractable axle is raised in order to make a turn, so long as
1 14 the vehicle is otherwise in compliance when the retractable
1 15 axle is in use. The driver of the vehicle is required to lower
1 16 the raised axle at the earliest opportunity following the turn.

LSB 5336XS (2) 83

dea/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2037 - Introduced

SENATE FILE
BY KETTERING

A BILL FOR

1 An Act relating to unfair insurance trade practices involving
2 losses requiring replacement items and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5477SS (2) 83
av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2037 - Introduced continued

PAG LIN

1 1 Section 1. Section 507B.4, subsection 9, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. p. Failing, when a loss requires replacement
1 4 of items and the replacement items do not reasonably match in
1 5 quality, color, or size, to replace all items in the area so as
1 6 to conform to a reasonably uniform appearance. This provision
1 7 applies to both interior and exterior losses. The insured
1 8 shall not bear the cost of complying with this provision over
1 9 any applicable deductible.

1 10 EXPLANATION

1 11 This bill requires an insurer to replace all items in the
1 12 area to conform to a reasonably uniform appearance when a loss
1 13 requires replacement of items and the replacement items do not
1 14 reasonably match in quality, color, or size. Failure to do so
1 15 is an unfair insurance trade practice. The provision applies
1 16 to interior and exterior losses and the insured shall not bear
1 17 the cost of compliance with this provision in excess of any
1 18 applicable deductible.

1 19 A violation of this provision may result in a cease and
1 20 desist order, suspension or revocation of licenses, and
1 21 assessment of civil penalties.

LSB 5477SS (2) 83

av/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2038 - Introduced

SENATE FILE
BY DANDEKAR

A BILL FOR

1 An Act to require retail establishments to make restroom
2 facilities available to certain members of the public,
3 providing a penalty, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5296XS (3) 83
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2038 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 137G.1 Short title.
1 2 This chapter shall be known and may be cited as the "Restroom
1 3 Access Act".
1 4 Sec. 2. NEW SECTION. 137G.2 Definitions.
1 5 For purposes of this chapter, the following definitions
1 6 apply:
1 7 1. "Customer" means an individual who is lawfully on the
1 8 premises of a retail establishment.
1 9 2. "Eligible medical condition" means Crohn's disease,
1 10 ulcerative colitis, or any other inflammatory bowel disease;
1 11 irritable bowel syndrome; any other medical condition that
1 12 requires immediate access to a toilet facility; or a condition
1 13 that requires the use of an ostomy device.
1 14 3. "Health professional" means a physician, osteopathic
1 15 physician, physician assistant, or advanced registered nurse
1 16 practitioner licensed or certified to practice in this state.
1 17 4. "Retail establishment" means a place of business open to
1 18 the general public for the sale of goods or services.
1 19 Sec. 3. NEW SECTION. 137G.3 Customer access to restroom
1 20 facilities in retail establishments.
1 21 A retail establishment that has a toilet facility for its
1 22 employees shall allow a customer to use that facility during
1 23 normal business hours if the toilet facility is reasonably safe
1 24 and all of the following conditions are met:
1 25 1. The customer requesting the use of the employee toilet
1 26 facility suffers from an eligible medical condition and
1 27 can provide the retail establishment with evidence of the
1 28 customer's eligible medical condition. Such evidence may
1 29 include a copy of a statement signed and dated by a health
1 30 professional or a person acting under the delegation and
1 31 supervision of a health professional that indicates the
1 32 customer suffers from an eligible medical condition.
1 33 2. The retail establishment does not normally make a
1 34 restroom available to the public.
1 35 3. The employee toilet facility is not located in an area



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2038 - Introduced continued

2 1 where providing access would create an obvious health or safety
2 2 risk to the customer or an obvious security risk to the retail
2 3 establishment or its employees.

2 4 4. A public restroom is not immediately accessible to the
2 5 customer.

2 6 Sec. 4. NEW SECTION. 137G.4 Liability.

2 7 1. A retail establishment or an employee of a retail
2 8 establishment is not civilly liable for any act or omission in
2 9 allowing a customer that has an eligible medical condition to
2 10 use an employee toilet facility that is not a public restroom
2 11 if the act or omission meets all of the following:

2 12 a. It is not willful or grossly negligent.

2 13 b. It occurs in an area of the retail establishment that is
2 14 not accessible to the public.

2 15 c. It results in an injury to or death of the customer
2 16 or any individual other than an employee accompanying the
2 17 customer.

2 18 2. A retail establishment is not required to make any
2 19 physical changes to an employee toilet facility under this
2 20 chapter.

2 21 Sec. 5. NEW SECTION. 137G.5 Penalty.

2 22 A retail establishment or an employee of a retail
2 23 establishment that violates this chapter commits a simple
2 24 misdemeanor.

2 25 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 26 immediate importance, takes effect upon enactment.

2 27 EXPLANATION

2 28 This bill requires that retail establishments provide
2 29 restroom access for certain customers having documented
2 30 medical conditions affecting continence. A violation of this
2 31 requirement is a simple misdemeanor.

2 32 The bill takes effect upon enactment.

LSB 5296XS (3) 83

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2039 - Introduced

SENATE FILE
BY DANIELSON

A BILL FOR

1 An Act relating to the determination of city population for
2 purposes of civil service commissions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5539XS (3) 83

md/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2039 - Introduced continued

PAG LIN

1 1 Section 1. Section 400.1, subsection 2, Code Supplement
1 2 2009, is amended to read as follows:
1 3 2. For the purpose of determining the population of a city
1 4 under this chapter, the most recent decennial federal census
1 5 ~~conducted in 1980~~ shall be used. However, if a city had a
1 6 population of eight thousand or more according to any decennial
1 7 federal census conducted during or after 1980, the most recent
1 8 decennial federal census in which the city's population was
1 9 eight thousand or more shall be used for determining the
1 10 population of the city for any purpose under this chapter.

1 11 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 12 3, shall not apply to this Act.

1 13 EXPLANATION

1 14 Code section 400.1 currently requires a city having a
1 15 population of 8,000 or more according to the federal census
1 16 conducted in 1980 and having a paid fire department or a paid
1 17 police department, to appoint a civil service commission. Code
1 18 chapter 400 also establishes several other powers and duties of
1 19 cities based on population as determined by the federal census
1 20 conducted in 1980.

1 21 This bill requires the most recent decennial federal census
1 22 to be used in determining the population of a city. The bill,
1 23 however, provides that if a city had a population of 8,000 or
1 24 more according to any decennial federal census conducted during
1 25 or after 1980, the most recent decennial federal census in
1 26 which the city's population was 8,000 or more shall be used for
1 27 determining the population of the city for any purpose under
1 28 Code chapter 400.

1 29 The bill may include a state mandate as defined in Code
1 30 section 25B.3. The bill makes inapplicable Code section 25B.2,
1 31 subsection 3, which would relieve a political subdivision from
1 32 complying with a state mandate if funding for the cost of
1 33 the state mandate is not provided or specified. Therefore,
1 34 political subdivisions are required to comply with any state
1 35 mandate included in the bill.

LSB 5539XS (3) 83

md/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2040 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act relating to testing requirements for applicants for
2 teacher licensure or endorsement.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2040 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.2, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 19. Adopt rules that require any applicant
1 4 for a teacher license or for renewal of a teacher license
1 5 to take the praxis II principles of learning and teaching
1 6 test for the appropriate grade level and a praxis II teaching
1 7 foundations test in the appropriate subject area. If the
1 8 applicant is applying for an Iowa endorsement, the board shall
1 9 require the applicant to take a praxis II subject assessment
1 10 for each endorsement the applicant seeks. However, the rules
1 11 shall provide that the applicant is exempt from the testing
1 12 requirements of this subsection if the applicant provides
1 13 the board with evidence that the applicant has taken the
1 14 appropriate praxis II tests and the applicant's scores on the
1 15 tests meet or exceed the qualifying scores approved by the
1 16 board.

1 17 EXPLANATION

1 18 This bill requires the board of educational examiners to
1 19 adopt rules requiring that a person who applies to the board
1 20 of educational examiners for a teacher license, renewal of a
1 21 teacher license, or for an endorsement to teach in a specific
1 22 subject area, must take a praxis II principles of learning and
1 23 teaching test and a praxis II teaching foundations test, as
1 24 well as a subject assessment for each endorsement the applicant
1 25 seeks, unless the applicant provides the board with evidence
1 26 that the applicant has taken the appropriate praxis II tests
1 27 and the applicant's scores on the tests meet or exceed the
1 28 qualifying scores approved by the board.

1 29 The praxis II principles of learning and teaching test
1 30 measures general pedagogical knowledge. The teaching
1 31 foundations test measures pedagogy. The subject assessment
1 32 measures general and subject-specific teaching skills and
1 33 knowledge.

LSB 5456XS (5) 83

kh/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2041 - Introduced

SENATE FILE
BY SCHMITZ

A BILL FOR

1 An Act relating to a restitution plan and a restitution plan of
2 payment in a criminal proceeding.

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

TLSB 5413XS (2) 83

jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2041 - Introduced continued

PAG LIN

1 1 Section 1. Section 910.4, subsection 2, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 ~~When the offender is committed to a county jail, or to an~~
1 4 ~~alternate facility, the~~ The office or individual charged with
1 5 supervision of the offender shall prepare a restitution plan
1 6 of payment taking into consideration the offender's income,
1 7 physical and mental health, age, education, employment and
1 8 family circumstances.
1 9 Sec. 2. Section 910.4, subsection 2, paragraph a, Code 2009,
1 10 is amended to read as follows:
1 11 a. The office or individual charged with supervision of the
1 12 offender shall review the plan of restitution ordered by the
1 13 court, and shall, after consultation with the victim, submit a
1 14 restitution plan of payment to the sentencing court.
1 15 Sec. 3. Section 910.6, Code 2009, is amended to read as
1 16 follows:
1 17 910.6 Payment plan == copy to victims == right to appeal.
1 18 1. An office or individual preparing a restitution plan
1 19 of payment or modified restitution plan of payment, when
1 20 it is approved by the court if approval is required under
1 21 section 910.4, or when the plan is completed if court approval
1 22 under section 910.4 is not required, shall forward a copy to
1 23 the clerk of court in the county in which the offender was
1 24 sentenced. The clerk of court shall forward a copy of the
1 25 plan of payment or modified plan of payment to the victim or
1 26 victims.
1 27 2. If a victim objects to any matter related to the plan of
1 28 restitution or the restitution plan of payment, the victim or
1 29 the county attorney on behalf of the victim may petition the
1 30 court as provided in section 910.7.
1 31 Sec. 4. Section 910.7, subsection 1, Code 2009, is amended
1 32 to read as follows:
1 33 1. At any time during the period of probation, parole, or
1 34 incarceration, the county attorney on behalf of the victim
1 35 or the victim, the offender, or the office or individual who



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2041 - Introduced continued

2 1 prepared the offender's restitution plan may petition the court
2 2 on any matter related to the plan of restitution or restitution
2 3 plan of payment and the court shall grant a hearing if on the
2 4 face of the petition it appears that a hearing is warranted.
2 5 Sec. 5. Section 910.7, Code 2009, is amended by adding the
2 6 following new subsection:
2 7 NEW SUBSECTION. 4. An order establishing a restitution
2 8 plan, a restitution plan of payment, or an order modifying such
2 9 an order is appealable by any party of interest including the
2 10 victim.

2 11 EXPLANATION

2 12 This bill relates to a restitution plan and a restitution
2 13 plan of payment in a criminal proceeding.

2 14 The bill specifies the office or individual supervising an
2 15 offender shall prepare a restitution plan of payment after
2 16 consulting the victim.

2 17 If the victim objects to a restitution plan or restitution
2 18 plan of payment pursuant to the bill, the county attorney on
2 19 behalf of the victim or the victim may petition the court for
2 20 a hearing on any matter related to the restitution plan or
2 21 restitution plan of payment. Currently, the offender, or the
2 22 office or individual supervising the offender may petition the
2 23 court on matters related to the restitution plan or restitution
2 24 plan of payment.

2 25 The bill specifies an order establishing a restitution plan,
2 26 a restitution plan of payment, or an order modifying such an
2 27 order is appealable by any party of interest including the
2 28 victim.

2 29 A restitution plan consists of orders issued pursuant to
2 30 Code section 910.3.

LSB 5413XS (2) 83

jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2042 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act relating to certain reporting requirements required
2 of school districts, accredited nonpublic schools, and
3 community colleges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5368XS (3) 83
kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2042 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 21, paragraph c, Code
1 2 Supplement 2009, is amended to read as follows:
1 3 c. A requirement that all school districts and accredited
1 4 nonpublic schools annually report to the department and the
1 5 local community the district-wide progress made in attaining
1 6 student achievement goals on the academic and other core
1 7 indicators and the district-wide progress made in attaining
1 8 locally established student learning goals. The school
1 9 districts and accredited nonpublic schools shall demonstrate
1 10 the use of multiple assessment measures in determining student
1 11 achievement levels. The school districts and accredited
1 12 nonpublic schools shall also report the number of students who
1 13 graduate, utilizing the definition of graduation rate specified
1 14 by the national governors association; the number of students
1 15 who drop out of school; the number of students pursuing a high
1 16 school equivalency diploma pursuant to chapter 259A; the number
1 17 of students who were enrolled in the district within the past
1 18 five years and who received a high school equivalency diploma;
1 19 the percentage of students who received a high school diploma
1 20 and who were not proficient in reading, mathematics, and
1 21 science in grade eleven; the number of students in the prior
1 22 year who were enrolled as high school juniors and were within
1 23 four units of meeting the district's graduation requirements
1 24 when so enrolled; the number of students who are tested and
1 25 the percentage of students who are so tested annually; and the
1 26 percentage of students who graduated during the prior school
1 27 year and who completed a core curriculum. The board shall
1 28 develop and adopt uniform definitions consistent with the
1 29 federal No Child Left Behind Act of 2001, Pub.L. No.107=110
1 30 and any federal regulations adopted pursuant to the federal
1 31 Act. The school districts and accredited nonpublic schools may
1 32 report on other locally determined factors influencing student
1 33 achievement. The school districts and accredited nonpublic
1 34 schools shall also report to the local community their results
1 35 by individual attendance center.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2042 - Introduced continued

2 1 Sec. 2. Section 256D.1, subsection 1, paragraph b,
2 2 subparagraph (1), Code Supplement 2009, is amended to read as
2 3 follows:
2 4 (1) A school district shall at a minimum biannually
2 5 inform parents of their individual child's performance on the
2 6 diagnostic assessments in kindergarten through grade three.
2 7 If intervention is appropriate, the school district shall
2 8 inform the parents of the actions the school district intends
2 9 to take to improve the child's reading skills and provide the
2 10 parents with strategies to enable the parents to improve their
2 11 child's skills. If the diagnostic assessments administered
2 12 in accordance with this subsection indicate that a child is
2 13 reading below grade level, the school district shall submit
2 14 a report of the assessment results to the parent, which the
2 15 parent shall sign and return to the school district. If
2 16 the parent does not sign or return the report, the school
2 17 district shall note in the student's record the inaction on
2 18 the part of the parent. The board of directors of each school
2 19 district shall adopt a policy indicating the methods the school
2 20 district will use to inform parents of their individual child's
2 21 performance.

2 22 Sec. 3. Section 260C.14, Code Supplement 2009, is amended by
2 23 adding the following new subsection:

2 24 NEW SUBSECTION. 23. Request that a student pursuing
2 25 or receiving a high school equivalency diploma provide
2 26 to the community college the student's school district of
2 27 residence and the last year the student was enrolled in the
2 28 school district of residence. The community college shall
2 29 annually report the information collected by the community
2 30 college pursuant to this subsection to the school district of
2 31 residence.

2 32 EXPLANATION

2 33 This bill reestablishes certain paperwork and reporting
2 34 requirements for school districts, accredited nonpublic
2 35 schools, and community colleges that were eliminated by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate File 2042 - Introduced continued

3 1 legislation enacted in 2009.

3 2 The bill requires school districts and accredited nonpublic
3 3 schools, when reporting the number of students who graduate,
3 4 to utilize the definition of graduation rate specified by the
3 5 national governors association. The bill also requires school
3 6 districts and accredited nonpublic schools to report the number
3 7 of students pursuing and receiving a high school equivalency
3 8 diploma, the percentage of students receiving a high school
3 9 diploma who were not proficient in core areas by grade 11, and
3 10 the number of high school juniors who, for the prior year, were
3 11 within four units of meeting graduation requirements.

3 12 If a child's performance on diagnostic assessments in
3 13 kindergarten through grade three indicates the child is reading
3 14 below grade level, the bill requires a school district to
3 15 submit a report to the child's parent or guardian and requires
3 16 the parent or guardian to sign and return the report. If the
3 17 parent or guardian does not sign and return the report, the
3 18 inaction is noted in the student's record.

3 19 The bill also requires that the board of directors of a
3 20 community college request students pursuing or receiving a high
3 21 school equivalency diploma at the community college to identify
3 22 their school districts of residence and the last year in which
3 23 they were enrolled in the school district. The community
3 24 college is required to report this information annually to the
3 25 affected school districts.

LSB 5368XS (3) 83

kh/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2043 - Introduced

SENATE FILE
BY OLIVE

A BILL FOR

1 An Act relating to uninsured and underinsured motor vehicle
2 insurance coverage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5549XS (3) 83
av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2043 - Introduced continued

PAG LIN

1 1 Section 1. Section 516A.2, Code 2009, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 4. A policy to which this chapter applies
1 4 shall not include any type of step=down provision that operates
1 5 to reduce uninsured or underinsured motor vehicle coverage for
1 6 the reason that the person is injured by, or while occupying
1 7 a vehicle being operated by, a relative as defined in section
1 8 523I.102, or household member insured under the policy. This
1 9 chapter shall not be construed to prohibit an insurer from
1 10 including in the policy an antistacking provision based on
1 11 multiple policies or multiple vehicles, or both. If multiple
1 12 policies are applicable to a vehicle subject to an antistacking
1 13 provision, the maximum amount of recovery shall be the single
1 14 highest limit for that vehicle on any of the applicable
1 15 policies.

1 16 NEW SUBSECTION. 5. An insurer offering uninsured and
1 17 underinsured motor vehicle coverage as part of a coverage
1 18 proposal for motor vehicle insurance shall make available the
1 19 same limits of coverage that the insurer offers for bodily
1 20 injury liability coverage. However, the purchaser of the
1 21 uninsured and underinsured motor vehicle coverage is not
1 22 required to purchase those same limits of coverage.

1 23 EXPLANATION

1 24 This bill relates to uninsured and underinsured motor
1 25 vehicle insurance coverage.

1 26 Code section 516A.2 is amended to prohibit step=down
1 27 provisions in motor vehicle insurance policies that operate to
1 28 reduce uninsured or underinsured motor vehicle coverage because
1 29 a person is injured by, or while occupying a vehicle being
1 30 operated by, a relative as defined in Code section 523I.102 or
1 31 household member insured under the policy. The Code chapter
1 32 shall not be construed to prohibit an insurer from applying an
1 33 antistacking provision based on multiple policies or vehicles,
1 34 or both. If multiple policies are applicable to a vehicle
1 35 subject to the provision, the maximum amount of recovery is the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate File 2043 - Introduced continued

2 1 single highest limit for that vehicle on any of the applicable
2 2 policies.
2 3 The bill also requires an insurer offering uninsured and
2 4 underinsured coverage as part of a coverage proposal for motor
2 5 vehicle insurance to make available the same limits of coverage
2 6 that the insurer offers for bodily injury liability coverage.
2 7 The purchaser of such coverage, however, is not required to
2 8 purchase those same limits of coverage.

LSB 5549XS (3) 83

av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2044 - Introduced

SENATE FILE
BY OLIVE and STEWART

A BILL FOR

1 An Act relating to the requirements of businesses seeking
2 financial assistance under the value-added agriculture
3 component of the grow Iowa values financial assistance
4 program and including applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5452SS (8) 83
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2044 - Introduced continued

PAG LIN

1 1 Section 1. Section 15G.112, subsection 8, paragraph a, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 a. In order to qualify for financial assistance under the
1 4 value-added agriculture component of the program, a business
1 5 shall ~~be~~:

1 6 (1) Be a production facility engaged in the process of
1 7 adding value to agricultural products. Projects considered
1 8 eligible under this subsection include but are not limited to
1 9 innovative agricultural products and processes, innovative
1 10 and new renewable fuels, agricultural biotechnology, biomass
1 11 and alternative energy production, and organic products and
1 12 emerging markets. Financial assistance is available for
1 13 project development as well as project creation.

1 14 (2) Meet the requirements of subsection 4.

1 15 Sec. 2. APPLICABILITY. This Act applies to agreements
1 16 entered into on or after July 1, 2010.

1 17 EXPLANATION

1 18 This bill relates to the requirements of businesses applying
1 19 for financial assistance under the value-added agriculture
1 20 component of the grow Iowa values fund.

1 21 Currently, the value-added agriculture component does not
1 22 require applicants to meet the requirements of the 130 percent
1 23 wage component. The 130 percent wage component requires
1 24 applicants to create or retain jobs as part of a project and
1 25 to meet certain wage thresholds by certain times. Businesses
1 26 that are creating jobs must initially pay 100 percent of the
1 27 qualifying wage threshold and, by the end of the period set by
1 28 agreement with the department, must pay at least 130 percent.
1 29 Businesses retaining jobs must pay 130 percent both initially
1 30 and during the period covered by its agreement.

1 31 The bill requires value-added agriculture component
1 32 applicants to meet the same requirements as applicants under
1 33 the 130 percent wage component of the program. The bill also
1 34 makes certain other related provisions of the 130 percent
1 35 wage component applicable for purposes of the value-added



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate File 2044 - Introduced continued

2 1 agriculture component.
2 2 The bill applies to agreements entered into on or after July
2 3 1, 2010.
LSB 5452SS (8) 83
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2045 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3043)

A BILL FOR

1 An Act delaying the establishment of the state percent of
2 growth for the budget year beginning July 1, 2011, for
3 purposes of the state school foundation program, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5722SV (3) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2045 - Introduced continued

PAG LIN

1 1 Section 1. ALLOWABLE GROWTH DELAY. Notwithstanding the
1 2 provision of section 257.8, subsection 1, relating to the
1 3 deadline for enactment of the statute establishing the state
1 4 percent of growth, the state percent of growth for the budget
1 5 year beginning July 1, 2011, shall be established by statute
1 6 which shall be enacted within thirty days of the submission of
1 7 the governor's budget under section 8.21 for the fiscal year
1 8 beginning July 1, 2011.

1 9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill delays establishing the state percent of growth,
1 13 also known as allowable growth, for the budget year beginning
1 14 July 1, 2011, from the 2010 Legislative Session to the 2011
1 15 Legislative Session. The bill is effective upon enactment.

LSB 5722SV (3) 83

ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2046 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3033)

A BILL FOR

1 An Act delaying the establishment of the categorical state
2 percent of growth for the budget year beginning July 1,
3 2011, for purposes of the state school foundation program,
4 and including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5282SV (2) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2046 - Introduced continued

PAG LIN

1 1 Section 1. CATEGORICAL ALLOWABLE GROWTH DELAY.
1 2 Notwithstanding the provision of section 257.8, subsection
1 3 2, relating to the deadline for enactment of the statute
1 4 establishing the categorical state percent of growth, the
1 5 categorical state percent of growth for the budget year
1 6 beginning July 1, 2011, shall be established by statute which
1 7 shall be enacted within thirty days of the submission of the
1 8 governor's budget under section 8.21 for the fiscal year
1 9 beginning July 1, 2011.
1 10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 11 immediate importance, takes effect upon enactment.
1 12 EXPLANATION
1 13 This bill delays establishing the categorical state percent
1 14 of growth, also known as categorical allowable growth, for the
1 15 budget year beginning July 1, 2011, from the 2010 Legislative
1 16 Session to the 2011 Legislative Session. The bill is effective
1 17 upon enactment.
LSB 5282SV (2) 83
ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2047 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3060)

A BILL FOR

1 An Act relating to the school budget review committee by
2 modifying its membership and by modifying the committee's
3 duties related to school district unusual financial
4 circumstances and including effective date provisions.

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

TLSB 5835SV (7) 83

ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2047 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.2, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 13. "Unexpended fund balance" means a
1 4 school district's unreserved and undesignated fund balances.
1 5 Sec. 2. Section 257.30, subsection 1, Code Supplement 2009,
1 6 is amended to read as follows:
1 7 1. A school budget review committee is established in
1 8 the department of education and consists of the director
1 9 of the department of education in an ex officio, nonvoting
1 10 capacity, the director of the department of management, and
1 11 ~~three~~ four members who are knowledgeable in the areas of
1 12 Iowa school finance or public finance issues appointed by
1 13 the governor to represent the public. At least one of the
1 14 public members shall possess a master's or doctoral degree in
1 15 which areas of school finance, economics, or statistics are
1 16 an integral component, or shall have equivalent experience in
1 17 an executive administrative or senior research position in
1 18 the education or public administration field. The members
1 19 appointed by the governor shall serve staggered three-year
1 20 terms beginning and ending as provided in section 69.19 and are
1 21 subject to senate confirmation as provided in section 2.32.
1 22 The committee shall meet and hold hearings each year and shall
1 23 continue in session until it has reviewed budgets of school
1 24 districts, as provided in section 257.31. The committee may
1 25 call in school board members and employees as necessary for
1 26 the hearings. The committee's scheduled hearing agendas and
1 27 the minutes of such hearings shall be posted on the department
1 28 of education's internet ~~website~~ site. Legislators shall be
1 29 notified of hearings concerning school districts in their
1 30 legislative districts.
1 31 Sec. 3. Section 257.31, subsection 5, unnumbered paragraph
1 32 1, Code Supplement 2009, is amended to read as follows:
1 33 If a district has unusual circumstances, creating an unusual
1 34 need for additional funds, including but not limited to the
1 35 ~~following~~ circumstances enumerated in paragraphs "a" through



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2047 - Introduced continued

2 1 "n", the committee may grant supplemental aid to the district
2 2 from any funds appropriated to the department of education
2 3 for the use of the school budget review committee for the
2 4 purposes of this subsection, ~~and such~~. The school budget
2 5 review committee shall review a school district's unexpended
2 6 fund balance prior to any decision regarding unusual finance
2 7 circumstances. Such aid shall be miscellaneous income and
2 8 shall not be included in district cost, ~~or~~. In addition
2 9 to or as an alternative to granting supplemental aid the
2 10 committee may establish a modified allowable growth for the
2 11 district by increasing its allowable growth, ~~or both~~. The
2 12 school budget review committee shall review a school district's
2 13 unspent balance prior to any decision to increase modified
2 14 allowable growth under this subsection.

2 15 Sec. 4. Section 257.31, subsection 7, paragraph a,
2 16 unnumbered paragraph 1, Code Supplement 2009, is amended to
2 17 read as follows:

2 18 The committee may authorize a district to spend a reasonable
2 19 and specified amount from its unexpended ~~cash~~ fund balance for
2 20 the following purposes:

2 21 Sec. 5. Section 257.31, subsection 7, paragraph b, Code
2 22 Supplement 2009, is amended to read as follows:

2 23 b. Other expenditures, including but not limited to
2 24 expenditures for salaries or recurring costs, are not
2 25 authorized under this subsection. Expenditures authorized
2 26 under this subsection shall not be included in allowable
2 27 growth or district cost, and the portion of the unexpended
2 28 ~~cash~~ fund balance which is authorized to be spent shall be
2 29 regarded as if it were miscellaneous income. Any part of
2 30 the amount not actually spent for the authorized purpose
2 31 shall revert to its former status as part of the unexpended
2 32 ~~cash~~ fund balance.

2 33 Sec. 6. Section 257.31, subsection 14, paragraph b,
2 34 subparagraph (3), Code Supplement 2009, is amended to read as
2 35 follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2047 - Introduced continued

3 1 (3) A school district is only eligible to receive
3 2 supplemental aid payments during the budget year if the school
3 3 district certifies to the school budget review committee
3 4 that for the year following the budget year it will notify
3 5 the school budget review committee to instruct the director
3 6 of the department of management to increase the district's
3 7 allowable growth and will fund the allowable growth increase
3 8 either by using moneys from its unexpended ~~cash~~ fund balance
3 9 to reduce the district's property tax levy or by using cash
3 10 reserve moneys to equal the amount of the deficit that would
3 11 have been property taxes and any part of the state aid portion
3 12 of the deficit not received as supplemental aid under this
3 13 subsection. The director of the department of management shall
3 14 make the necessary adjustments to the school district's budget
3 15 to provide the modified allowable growth and shall make the
3 16 supplemental aid payments.

3 17 Sec. 7. Section 298.10, Code Supplement 2009, is amended by
3 18 adding the following new subsection:

3 19 NEW SUBSECTION. 1A. For fiscal years beginning on or after
3 20 July 1, 2009, if the school budget review committee determines
3 21 that a school district's unexpended fund balance is in excess
3 22 of the amount necessary for operations, the school budget
3 23 review committee shall direct the school district to use the
3 24 unexpended fund balance in lieu of levying property taxes and
3 25 shall direct the department of management to do one of the
3 26 following:

3 27 a. For the fiscal period beginning July 1, 2009, and ending
3 28 June 30, 2012, limit the school district's cash reserve levy
3 29 to a level that is not excessive as determined by the school
3 30 budget review committee.

3 31 b. For fiscal years beginning on or after July 1, 2012,
3 32 limit the school district's cash reserve levy to a level that
3 33 is not excessive as determined by the school budget review
3 34 committee and does not exceed the cash reserve limitation in
3 35 subsection 2.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate File 2047 - Introduced continued

4 1 Sec. 8. Section 298.10, subsection 2, Code Supplement 2009,
4 2 is amended to read as follows:

4 3 2. For fiscal years beginning on or after July 1, 2012, the
4 4 cash reserve levy for a budget year shall not exceed twenty
4 5 percent of the general fund expenditures for the year previous
4 6 to the base year minus the ~~general fund~~ unexpended fund
4 7 balance, as defined in section 257.2, for the year previous to
4 8 the base year.

4 9 Sec. 9. EMERGENCY RULES. The department of education
4 10 may adopt emergency rules under section 17A.4, subsection 3,
4 11 and section 17A.5, subsection 2, paragraph "b", to implement
4 12 the provisions of this Act, and the rules shall be effective
4 13 immediately upon filing unless a later date is specified in the
4 14 rules. Any rules adopted in accordance with this section shall
4 15 also be published as a notice of intended action as provided
4 16 in section 17A.4.

4 17 Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed
4 18 of immediate importance, takes effect upon enactment.

4 19 EXPLANATION

4 20 This bill may require that a school district spend down its
4 21 unexpended fund balance to a level determined by the school
4 22 budget review committee before levying additional property
4 23 taxes to raise funds.

4 24 The bill defines "unexpended fund balance" in Code section
4 25 257.2. References to "unexpended cash balance" are changed to
4 26 "unexpended fund balance" in Code chapter 257.

4 27 The number of members on the school budget review committee
4 28 (SBRC) who are knowledgeable in the areas of Iowa school
4 29 finance or public finance issues is increased from three to
4 30 four and the director of the department of education is made an
4 31 ex officio, nonvoting member in Code section 257.30.

4 32 The bill amends Code sections 257.31 and 298.10 to provide
4 33 that the SBRC shall review a school district's unexpended fund
4 34 balance upon a school district's request for supplemental
4 35 aid due to an unusual financial circumstance. If the SBRC



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate File 2047 - Introduced continued

5 1 determines the school district's unexpended fund balance is
5 2 excessive, the school district is required to use those funds
5 3 prior to levying additional property taxes and the SBRC must
5 4 direct the department of management (DOM) to limit a school
5 5 district's cash reserve levy to a level that is not excessive
5 6 as determined by the SBRC during the fiscal period from July
5 7 1, 2009, to June 30, 2012. For fiscal years beginning on or
5 8 after July 1, 2012, the DOM shall limit the school district's
5 9 cash reserve levy to a level that is not excessive and does
5 10 not exceed the limitation in Code section 298.10(2). The bill
5 11 provides that the SBRC shall also review a school district's
5 12 unspent balance before increasing its modified allowable
5 13 growth.

5 14 The department of education may adopt emergency rules
5 15 related to the provisions of the bill.

5 16 The bill is effective upon enactment.

LSB 5835SV (7) 83

ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Resolution 103 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY COMMITTEE ON RULES AND ADMINISTRATION

1 1 A Resolution amending the permanent rules of the Senate
1 2 relating to the deadline for requesting the drafting
1 3 of bills by members and session timetable changes.
1 4 BE IT RESOLVED BY THE SENATE, That Rule 27,
1 5 unnumbered paragraph 1, of the Rules of the Senate, as
1 6 adopted by the Senate during the 2009 Session in Senate
1 7 Resolution 8, is amended to read as follows:
1 8 No bill or joint resolution, except bills and
1 9 joint resolutions cosponsored by the majority and
1 10 minority floor leaders, or companion bills and joint
1 11 resolutions sponsored by the majority floor leaders of
1 12 both houses, shall be introduced in the senate after
1 13 4:30 p.m.on Friday of the sixth week of the first
1 14 regular session of a general assembly unless a formal
1 15 request for drafting the bill has been filed with the
1 16 legislative services agency before that time. After
1 17 adjournment of the first regular session, bills may
1 18 be prefiled at any time before the convening of the
1 19 second regular session. No bill shall be introduced
1 20 after 4:30 p.m.on Friday of the ~~second~~ first week of
1 21 the second regular session of a general assembly unless
1 22 a formal request for drafting the bill has been filed
1 23 with the legislative services agency before that time.
1 24 However, standing committees may introduce bills and
1 25 joint resolutions at any time. A bill which relates
1 26 to departmental rules sponsored by the administrative
1 27 rules review committee and approved by a majority
1 28 of the members of the committee in each house may



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Resolution 103 - Introduced continued

2 1 be introduced at any time and must be referred to a
2 2 standing committee which must take action on the bill
2 3 within three weeks. Senate and concurrent resolutions
2 4 may be introduced at any time.

2 5 BE IT FURTHER RESOLVED BY THE SENATE, That Rule 60,
2 6 subsections 2 and 3, of the Rules of the Senate, as
2 7 adopted by the Senate during the 2009 Session in Senate
2 8 Resolution 8, are amended to read as follows:

2 9 2. To be placed on the calendar in the senate a
2 10 senate bill must be first reported out of a standing
2 11 committee by Friday of the 9th week of the first
2 12 session and the ~~8th~~ 5th week of the second session. A
2 13 house bill must be first reported out of a standing
2 14 committee by Friday of the 13th week of the first
2 15 session and the ~~11th~~ 8th week of the second session to
2 16 be placed on the senate calendar.

2 17 3. During the 11th week of the first session ~~and~~
~~2 18 the 9th week of the second session~~, the senate shall
2 19 consider only bills originating in the senate and
2 20 unfinished business. During the 14th week of the first
2 21 session ~~and the 12th week of the second session~~, the
2 22 senate shall consider only bills originating in the
2 23 house and unfinished business. Beginning with the 15th
2 24 week of the first session and the ~~13th~~ 10th week of the
2 25 second session, the senate shall consider only bills
2 26 passed by both houses, bills exempt from subsection 2
2 27 and unfinished business.

LSB 5124SV (2) 83

rj/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF PUBLIC
HEALTH BILL)

A BILL FOR

1 An Act creating the local public health governance Act, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5268DP (12) 83
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

PAG LIN

1 1 Section 1. NEW SECTION. 137.100 Title and purpose.
1 2 This chapter shall be known and may be cited as the "Local
1 3 Public Health Governance Act". The purpose of this chapter is
1 4 to define the structure, powers, and duties of local boards
1 5 of health. This chapter also provides an optional process
1 6 for counties to merge to form a district board of health in
1 7 order to increase efficiencies and enhance the delivery and
1 8 availability of public health services.
1 9 Sec. 2. NEW SECTION. 137.101 Definitions.
1 10 As used in this chapter unless the context otherwise
1 11 requires:
1 12 1. "City board" means a city board of health in existence
1 13 prior to July 1, 2010.
1 14 2. "City health department" refers to the personnel and
1 15 property under the jurisdiction of a city board in existence
1 16 prior to July 1, 2010.
1 17 3. "Council" means a city council.
1 18 4. "County board" means a county board of health.
1 19 5. "County health department" refers to the personnel and
1 20 property under the jurisdiction of a county board.
1 21 6. "Director" means the director of public health.
1 22 7. "District" means any two or more geographically
1 23 contiguous counties.
1 24 8. "District board" means a board of health representing
1 25 at least two geographically contiguous counties formed with
1 26 approval of the state department in accordance with this
1 27 chapter, or any district board of health in existence prior to
1 28 July 1, 2010.
1 29 9. "District health department" refers to the personnel and
1 30 property under the jurisdiction of a district board.
1 31 10. "Iowa public health standards" means Iowa public health
1 32 standards as defined in section 135A.2.
1 33 11. "Local board of health" means a city, county, or
1 34 district board of health.
1 35 12. "Officers" means a local board of health chairperson,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

2 1 vice chairperson, and secretary, and other officers which may
2 2 be named at the discretion of the local board of health.
2 3 13. "State board" means the state board of health.
2 4 14. "State department" means the Iowa department of public
2 5 health.
2 6 Sec. 3. NEW SECTION. 137.102 Local boards of health ==
2 7 jurisdiction.
2 8 1. A city board shall have jurisdiction over public health
2 9 matters within the city.
2 10 2. A county board shall have jurisdiction over public health
2 11 matters within the county.
2 12 3. A district board shall have jurisdiction over public
2 13 health matters within the district.
2 14 Sec. 4. NEW SECTION. 137.103 Local boards of health ==
2 15 powers and duties.
2 16 Local boards of health shall have the following powers and
2 17 duties:
2 18 1. A local board of health shall:
2 19 a. Enforce state health laws and the rules and lawful orders
2 20 of the state department.
2 21 b. Make and enforce such reasonable rules and regulations
2 22 not inconsistent with law, the rules of the state board, or
2 23 the Iowa public health standards as may be necessary for the
2 24 protection and improvement of the public health.
2 25 (1) Rules of a city board shall become effective upon
2 26 approval by the council and publication in a newspaper having
2 27 general circulation in the city.
2 28 (2) Rules of a county board shall become effective upon
2 29 approval by the county board of supervisors by a motion or
2 30 resolution as defined in section 331.101, subsection 13, and
2 31 publication in a newspaper having general circulation in the
2 32 county.
2 33 (3) Rules of a district board shall become effective upon
2 34 approval by the district board and publication in a newspaper
2 35 having general circulation in the district.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

3 1 (4) Before approving any rule or regulation the local board
3 2 of health shall hold a public hearing on the proposed rule.
3 3 Any citizen may appear and be heard at the public hearing. A
3 4 notice of the public hearing, stating the time and place and
3 5 the general nature of the proposed rule or regulation shall be
3 6 published in a newspaper having general circulation as provided
3 7 in section 331.305 in the area served by the local board of
3 8 health.

3 9 c. Employ persons as necessary for the efficient
3 10 discharge of its duties. Employment practices shall meet the
3 11 requirements of chapter 8A, subchapter IV, or any civil service
3 12 provision adopted under chapter 400.

3 13 d. Provide the names of all local board of health members
3 14 and officers to the state department.

3 15 e. Provide minutes of local board of health meetings
3 16 and reports of the local board of health's operations and
3 17 activities to the state department as may be required by the
3 18 director, by rule, or by contract.

3 19 2. A local board of health may:

3 20 a. Provide such population-based and personal health
3 21 services as may be deemed necessary for the promotion and
3 22 protection of the health of the public and charge reasonable
3 23 fees for personal health services. A person shall not be
3 24 denied necessary services within the limits of available
3 25 resources because of inability to pay the cost of such
3 26 services.

3 27 b. Provide such environmental health services as may
3 28 be deemed necessary for the protection and improvement of
3 29 the public health and issue licenses and permits and charge
3 30 reasonable fees in relation to the construction or operation of
3 31 nonpublic water supplies or private sewage disposal systems.

3 32 c. Engage in joint operations and contract with colleges and
3 33 universities, the state department, other public, private, and
3 34 nonprofit agencies, and individuals or form a district health
3 35 department to provide personal and population-based public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

4 1 health services.
4 2 d. By written agreement, with the council of any city within
4 3 its jurisdiction, enforce appropriate ordinances of the city
4 4 relating to public health.
4 5 Sec. 5. NEW SECTION. 137.104 Local boards of health ==
4 6 membership and meetings.
4 7 1. Membership, terms, compensation, and vacancies.
4 8 a. All members of a city board shall be appointed by the
4 9 council.
4 10 b. All members of a county board shall be appointed by the
4 11 county board of supervisors.
4 12 c. All members of a district board shall be appointed by
4 13 the county board of supervisors from each county represented by
4 14 the district. Each county board of supervisors shall appoint
4 15 at least one but no more than three members to the district
4 16 board, and each county board of supervisors shall appoint the
4 17 same number of members to the district board. There shall
4 18 be no more than one board of supervisors member from any
4 19 participating county on the district board.
4 20 d. Local boards of health shall consist of at least five
4 21 members. At least one member shall be licensed as a physician
4 22 under chapter 148.
4 23 e. A local board of health member shall serve for a term of
4 24 three years. A member is eligible for reappointment.
4 25 f. A local board of health member shall serve without
4 26 compensation, but may be reimbursed for necessary expenses in
4 27 accordance with rules established by the state board or the
4 28 applicable jurisdiction.
4 29 g. A local board of health member vacancy due to death,
4 30 resignation, or other cause shall be filled as soon as possible
4 31 after the vacancy exists for the unexpired term of the original
4 32 appointment.
4 33 2. Meetings. A majority of the members of a local board
4 34 of health shall be considered a quorum and an affirmative
4 35 vote of the majority of the members present is necessary for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

5 1 action taken by a local board of health. The majority shall
5 2 not include any member who has a conflict of interest and a
5 3 statement by the member that a conflict of interest exists
5 4 shall be conclusive for this purpose.
5 5 Sec. 6. NEW SECTION. 137.105 District boards of health ==
5 6 request to form.
5 7 The county boards of any two or more geographically
5 8 contiguous counties may at any time submit a request to form a
5 9 district board to the state department. The formation request
5 10 shall be in writing, shall be executed by the county boards of
5 11 supervisors and the county boards of health for each county
5 12 comprising the proposed district board, and shall include but
5 13 not be limited to the following required elements:
5 14 1. A written narrative that explains how the formation of
5 15 a district board will increase organizational capacity and
5 16 capability to provide population-based and personal public
5 17 health services compared with operating as individual county
5 18 boards.
5 19 2. The composition of the district board, including the
5 20 number of members each county shall appoint pursuant to section
5 21 137.104 and the total number of members on the district board.
5 22 3. Proof of approval by all county boards of supervisors
5 23 and county boards of health involved in the request to form a
5 24 district board and of the elements included in the formation
5 25 plan.
5 26 4. The service delivery plan.
5 27 5. The budget and fiscal plan for the proposed district
5 28 board. The budget plan shall include an estimate of proposed
5 29 expenditures and revenues and an allocation of the revenue
5 30 responsibilities of each of the counties participating in the
5 31 proposed district board.
5 32 6. A table of organization.
5 33 7. A personnel system description, including identification
5 34 of the district treasurer and district auditor and a section
5 35 which addresses the employment issues contained in section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

6 1 137.109.

6 2 8. The location of the district board offices and workforce
6 3 throughout the jurisdiction.

6 4 9. An inventory of the property and equipment in the
6 5 custody of each county board and a description as to whether
6 6 such property and equipment shall remain in the custody of the
6 7 county or shall be transferred to the district board to become
6 8 property of the district board.

6 9 10. A timeline for the adoption of district board rules and
6 10 regulations.

6 11 11. Other criteria as established by rule of the state
6 12 department.

6 13 Sec. 7. NEW SECTION. 137.106 Request reviewed by state
6 14 department.

6 15 The state department shall review requests submitted
6 16 pursuant to section 137.105. The state department, upon
6 17 finding that all required elements are present, shall present
6 18 findings to the state board. The state board may approve the
6 19 formation of a district board and if the formation is approved,
6 20 shall notify the county boards from whom the request was
6 21 received.

6 22 Sec. 8. NEW SECTION. 137.107 Initial appointment of
6 23 district board of health.

6 24 Upon receipt of notice of approval as a district board,
6 25 district board members shall be appointed as specified in
6 26 section 137.104.

6 27 Sec. 9. NEW SECTION. 137.108 Organizational structure of
6 28 district board.

6 29 A district board is a governing body for purposes of chapter
6 30 670 and a district health department is a municipality for
6 31 purposes of chapter 670. All meetings of a district board
6 32 shall comply with the requirements of chapter 21 and all
6 33 records of a district board and a district health department
6 34 shall be maintained in accordance with chapter 22.

6 35 Sec. 10. NEW SECTION. 137.109 District personnel.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3046 continued

7 1 1. A district board may employ persons as necessary for
7 2 the efficient discharge of its duties. A district board shall
7 3 have all the duties and powers in employing such persons as
7 4 a county board of supervisors is granted pursuant to section
7 5 331.324, with the exception of the authority to provide for
7 6 support of the civil service commission for deputy sheriffs
7 7 as specified in section 331.324, subsection 1, paragraph "k".
7 8 A district board may employ persons who were employed at the
7 9 time of the formation of the district board by the counties
7 10 represented by the district board, or may employ persons who
7 11 were not employed by such counties. The county boards involved
7 12 shall specify in the request submitted pursuant to section
7 13 137.105 whether the individual counties or the district board
7 14 will be responsible for payment of unemployment compensation
7 15 for any county employees employed by the county board at the
7 16 time of formation of the district board but not employed by the
7 17 district board following formation.

7 18 2. If a district board employs persons who were employed
7 19 at the time of formation of the district board by the counties
7 20 represented by the district board and such employees were
7 21 covered by collective bargaining agreements with those
7 22 counties, the collective bargaining agreement of the county
7 23 with the largest population for the year prior to the formation
7 24 of the district board shall serve as the base agreement and the
7 25 employees of the other counties shall automatically be accreted
7 26 to the bargaining unit of that collective bargaining agreement
7 27 for purposes of negotiating the contracts in subsequent years
7 28 without further action. If only one collective bargaining
7 29 agreement is in effect among the counties represented by the
7 30 district board, that agreement may serve as the base agreement
7 31 if the counties so elect, and the employees of the other
7 32 counties represented by the district board shall automatically
7 33 be accreted to the bargaining unit of that collective
7 34 bargaining agreement for purposes of negotiating the contracts
7 35 for subsequent years without further action. The new district



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3046 continued

8 1 board, using the base agreement as its existing contract, may
8 2 bargain with the covered employees of the district board for
8 3 the next contract period.

8 4 3. If the district board employs persons who were employed
8 5 by the counties represented by the district board at the time
8 6 of formation of the district board, the district board shall
8 7 recognize the term of service of the former county employees
8 8 for purposes of all employee benefits offered by the district
8 9 board to such employees and such employees shall not forfeit
8 10 accrued vacation, accrued sick leave, or longevity by becoming
8 11 district board employees.

8 12 4. Persons who were covered by county employee life
8 13 insurance, accident insurance, and health insurance plans prior
8 14 to becoming district board employees pursuant to this chapter
8 15 shall be permitted to apply prior to becoming district board
8 16 employees for life, accident, and health insurance plans that
8 17 are available to district board employees so that those persons
8 18 do not suffer a lapse of insurance coverage as a result of
8 19 becoming district board employees.

8 20 5. The district board may employ or contract with legal
8 21 counsel to enforce this chapter and district board rules,
8 22 represent and defend the district board and its officers and
8 23 employees, provide legal advice to the district board, and
8 24 perform any other legal duties required by law or assigned by
8 25 the district board. The district board may employ or contract
8 26 with the county attorney of a county within its jurisdiction.

8 27 Sec. 11. NEW SECTION. 137.110 District treasurer and
8 28 auditor.

8 29 Upon establishment of a district board, the district board
8 30 shall designate a treasurer of a county within its jurisdiction
8 31 to serve as treasurer of the district health department, and
8 32 shall designate the auditor of the same county to serve as
8 33 auditor of the district health department. The treasurer's
8 34 and the auditor's official bonds shall extend to cover their
8 35 respective duties performed on behalf of the district health



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

9 1 department. A county treasurer shall not serve in the capacity
9 2 of district health department treasurer without consent from
9 3 the county and agreement from the treasurer to perform this
9 4 function, and a county auditor shall not serve in the capacity
9 5 of district health department auditor without consent from the
9 6 county and agreement from the auditor to perform this function.
9 7 Sec. 12. NEW SECTION. 137.111 District public health fund.
9 8 1. The district treasurer shall establish a district public
9 9 health fund from which disbursements may be made in the manner
9 10 specified for disbursements by law for the disbursement of
9 11 county funds.
9 12 2. All moneys received by a district board or district
9 13 health department for local public health purposes from federal
9 14 appropriations, state appropriations, local appropriations,
9 15 fees, gifts, grants, bequests, or other sources shall be
9 16 deposited in the district public health fund. Expenditures
9 17 shall be made from the fund on order of the district board for
9 18 the purpose of carrying out its duties. No more than twenty
9 19 percent of the unexpended balance remaining in the fund at the
9 20 end of each fiscal year shall be maintained in the district
9 21 public health fund. The remainder of the unexpended balance
9 22 shall revert to the general funds of the member counties in the
9 23 manner determined by the district board.
9 24 3. The district board shall adopt and certify an
9 25 annual budget in accordance with section 24.17 relating
9 26 to certification of budgets and section 24.27 relating to
9 27 protesting budgets.
9 28 Sec. 13. NEW SECTION. 137.112 Adding to district.
9 29 A county may be added to an existing district board by
9 30 submission and approval of a request, as specified in sections
9 31 137.105 and 137.106.
9 32 Sec. 14. NEW SECTION. 137.113 Withdrawal from district.
9 33 A county may withdraw from an existing district board upon
9 34 submission of a request for withdrawal to and approval by
9 35 the state department. The request shall include a plan to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

10 1 reform its county board or join a different district board,
10 2 information specified in section 137.105, and approval of the
10 3 request by the district board and, at the recommendation of
10 4 the state department, the state board. Any county choosing to
10 5 withdraw from the district board shall commit to the continuity
10 6 of services in its county by reestablishing its county
10 7 board or joining a different district board. The remaining
10 8 counties in the district shall submit an application including
10 9 the information specified in section 137.105 to the state
10 10 department for review as provided in section 137.106.

10 11 Sec. 15. NEW SECTION. 137.114 Dissolution of county boards.
10 12 Upon appointment of a district board, the county boards
10 13 involved shall be dissolved and their powers and duties
10 14 specified in section 137.103 transferred to the district board.
10 15 All property and equipment in the custody of the county board
10 16 shall either remain the property of the county or shall become
10 17 the property of the district board, as so provided in the
10 18 district board formation request submitted pursuant to section
10 19 137.105.

10 20 Sec. 16. NEW SECTION. 137.115 Emergency request for funds.
10 21 A local board of health may, during a public health disaster
10 22 as defined in section 135.140 or in preparation for or
10 23 response to such disaster, request additional appropriations
10 24 which may upon approval of the director be allotted from the
10 25 funds reserved for that purpose to the extent that funds
10 26 are appropriated and available. Upon termination of the
10 27 disaster response, the local board of health shall report its
10 28 expenditures of emergency funds to the director.

10 29 Sec. 17. NEW SECTION. 137.116 Penalties == criminal and
10 30 civil.

10 31 1. Any person who violates any provision of this chapter or
10 32 the rules of a local board of health or any lawful order of the
10 33 board, its officers, or authorized agents is guilty of a simple
10 34 misdemeanor. Each additional day of neglect or failure to
10 35 comply with such provision, rule, or lawful order after notice



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3046 continued

11 1 of violation by the local board of health shall constitute a
11 2 separate offense.
11 3 2. A local board of health may impose a civil penalty not to
11 4 exceed seven hundred fifty dollars for each violation of this
11 5 chapter or the rules of the local board of health or any lawful
11 6 order of the board, its officers, or authorized agents. If the
11 7 violation is a repeat offense a civil penalty not to exceed one
11 8 thousand dollars may be imposed. The local board of health
11 9 shall impose and enforce such penalties in the manner provided
11 10 in section 331.307 for county infractions.
11 11 Sec. 18. NEW SECTION. 137.117 Individual choice of
11 12 treatment.
11 13 Nothing in this chapter shall be construed to impede, limit,
11 14 or restrict the right of free choice by an individual to the
11 15 health care or treatment that the individual may select.
11 16 Sec. 19. NEW SECTION. 137.118 Adoption of rules.
11 17 The state board of health shall adopt rules to implement this
11 18 chapter. The department is vested with discretionary authority
11 19 to interpret the provisions of this chapter.
11 20 Sec. 20. Section 135I.1, subsection 2, Code 2009, is amended
11 21 to read as follows:
11 22 2. "Local board of health" means a ~~county~~, city, county, or
11 23 district board of health as defined in section ~~137.2~~ 137.101.
11 24 Sec. 21. Section 331.321, subsection 1, paragraph c, Code
11 25 Supplement 2009, is amended to read as follows:
11 26 c. The members of the county board of health in accordance
11 27 with section ~~137.4~~ 137.104.
11 28 Sec. 22. REPEAL. Chapter 137, Code and Code Supplement
11 29 2009, is repealed.

11 30 EXPLANATION

11 31 This bill amends Code chapter 137, relating to local
11 32 boards of health. The bill provides definitions; establishes
11 33 jurisdiction of city, county, and district boards of health;
11 34 specifies powers and duties of local boards of health, their
11 35 membership, and meeting requirements; provides a process for



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3046 continued

12 1 two or more geographically contiguous counties to form a
12 2 district board; specifies the organizational structure of a
12 3 district board as a governing body for the purposes of tort
12 4 liability of governmental subdivisions and a process for
12 5 employing personnel; provides for the use of a county treasurer
12 6 and auditor of a county within the district of the district
12 7 board to serve the district health department; provides for
12 8 the establishment of a district public health fund including
12 9 the unexpended balance of the fund at the end of each fiscal
12 10 year; provides a process for counties to join or withdraw
12 11 from a district board; provides for dissolution of county
12 12 boards joining a district board; provides civil and criminal
12 13 penalties for violations of the Code chapter; and provides for
12 14 adoption of rules by the state board of health to implement the
12 15 Code chapter and the department is vested with discretionary
12 16 authority to interpret the provisions of the Code chapter.

LSB 5268DP (12) 83

pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3047

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF PUBLIC
HEALTH BILL)

A BILL FOR

1 An Act relating to the organization and duties of the state
2 board of health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5301DP (5) 83
jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3047 continued

PAG LIN

1 1 Section 1. Section 136.1, Code 2009, is amended to read as
1 2 follows:

1 3 136.1 Composition of board.

1 4 The state board of health shall consist of the following

1 5 members: ~~Five~~ Two members learned in health-related

1 6 disciplines, three members who have direct experience with

1 7 public health, two members who have direct experience with

1 8 substance abuse treatment or prevention, and four members

1 9 representing the general public.

1 10 ~~The director of public health shall serve as secretary of the~~

1 11 ~~board.~~

1 12 Sec. 2. Section 136.3, Code 2009, is amended by striking the
1 13 section and inserting in lieu thereof the following:

1 14 136.3 Duties.

1 15 The state board of health shall provide a forum for the

1 16 development of public health policy in the state of Iowa and

1 17 shall have the following powers and duties:

1 18 1. Consider and study legislation and administration

1 19 concerning public health.

1 20 2. Advise the department on any issue related to the

1 21 promotion and protection of the health of Iowans including but

1 22 not limited to:

1 23 a. Prevention of epidemics and the spread of disease,

1 24 including communicable and infectious diseases such as zoonotic

1 25 diseases, quarantine and isolation, sexually transmitted

1 26 diseases, and antitoxins and vaccines.

1 27 b. Protection against environmental hazards.

1 28 c. Prevention of injuries.

1 29 d. Promotion of healthy behaviors.

1 30 e. Preparing for, responding to, and recovering from public

1 31 health emergencies and disasters.

1 32 3. Establish policies governing the performance of the

1 33 department in the discharge of any duties imposed on it by law.

1 34 4. Provide guidance to the director in the discharge of the

1 35 director's duties.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3047 continued

2 1 5. Adopt and implement the Iowa public health standards.

2 2 6. Assure that the department complies with Iowa Code,
2 3 administrative rules, and the Iowa public health standards.

2 4 For this purpose the board shall have access at any time to all
2 5 documents and records of the department.

2 6 7. Assure that the department prepares and distributes an
2 7 annual report.

2 8 8. Advise or make recommendations to the director of public
2 9 health, governor, and general assembly relative to public
2 10 health and advocate for state and local public health to comply
2 11 with the Iowa public health standards.

2 12 9. Offer consultation to the governor in the appointment of
2 13 the director of the department.

2 14 10. Adopt, promulgate, amend, and repeal rules and
2 15 regulations consistent with law for the protection of the
2 16 public health and prevention of substance abuse, and for
2 17 the guidance of the department. All rules adopted by the
2 18 department are subject to approval by the board.

2 19 11. Act by committee, or by a majority of the board.

2 20 12. Keep minutes of the transactions of each session,
2 21 regular or special, which shall be public records and filed
2 22 with the department.

2 23 13. Perform those duties authorized pursuant to chapter
2 24 125. The board may appoint a substance abuse program committee
2 25 to approve or deny applications for licensure received from
2 26 substance abuse programs pursuant to chapter 125 and to perform
2 27 any other function authorized by chapter 125 and delegated to
2 28 the committee.

2 29 14. Perform those duties authorized pursuant to sections
2 30 135.156, 135.159, and 135.161, and other provisions of law.

2 31 Sec. 3. Section 136.5, Code 2009, is amended to read as
2 32 follows:

2 33 136.5 Meetings.

2 34 The board shall meet ~~on the second Wednesday in July and on~~
~~2 35 the second Wednesday of every second month thereafter~~ at least



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3047 continued

3 1 ~~six times per year and at such other times~~ as may be deemed
 3 2 necessary by the ~~president~~ chairperson of the board or the
 3 3 director of the department. The ~~president~~ department shall
 3 4 give each board member adequate notice of all ~~special~~ meetings.
 3 5 A majority of the members of the board shall constitute a
 3 6 quorum.

3 7 Sec. 4. Section 136.7, Code 2009, is amended to read as
 3 8 follows:

3 9 136.7 ~~Officer~~ Chairperson == staff assistance.
 3 10 ~~At the meeting held in~~ The board shall annually in July of
 3 11 ~~each year a president shall be elected from the board elect~~
 3 12 ~~a chairperson, who shall serve for a period of one year. At~~
 3 13 ~~the request of the board the~~ The department shall furnish
 3 14 ~~an executive clerk~~ staff from the regular employees of the
 3 15 department to record the minutes of the meetings of the board.

3 16 Sec. 5. Section 136.8, Code 2009, is amended to read as
 3 17 follows:

3 18 136.8 Supplies.
 3 19 The department shall furnish the board of health with all
 3 20 articles and supplies ~~required for the public use and~~ necessary
 3 21 to enable the board to perform the duties imposed upon it by
 3 22 law. Such articles and supplies shall be obtained by the
 3 23 department in the same manner in which the regular supplies for
 3 24 the department are obtained and the same shall be considered
 3 25 and accounted for as if obtained for the use of the department.

EXPLANATION

3 27 This bill rewrites provisions in Code chapter 136, relating
 3 28 to the organization and duties of the state board of health.
 3 29 The revision remains very similar to the current statute.

3 30 The bill revises the membership of the board itself. Under
 3 31 current law, the board consists of five members learned
 3 32 in health-related disciplines, two members who have direct
 3 33 experience with substance abuse treatment or prevention, and
 3 34 four members representing the general public. Under the bill,
 3 35 board makeup consists of two members learned in health-related



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3047 continued

4 1 disciplines, three members who have direct experience with
4 2 public health, two members who have direct experience with
4 3 substance abuse treatment or prevention, and four members
4 4 representing the general public.
4 5 The bill amends Code section 136.3, relating to the duties
4 6 of the board, by reorganizing the Code section and updating
4 7 language. The bill eliminates some specific duties and sets
4 8 the board duties in general terms. Many of the specific duties
4 9 are now encompassed in the board duty to "[a]dopt and implement
4 10 the Iowa public health standards".
4 11 The bill revises Code section 136.5 to provide general
4 12 guidelines for the number of meetings the board shall hold
4 13 annually rather than specific meeting dates and directs the
4 14 department, rather than the president of the board, to give
4 15 notice of meetings. The bill also amends Code section 136.7 to
4 16 provide that the board shall elect a chairperson rather than a
4 17 president.

LSB 5301DP (5) 83

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3048

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF PUBLIC
HEALTH BILL)

A BILL FOR

1 An Act relating to health-related activities and regulation
2 by the department of public health, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5262DP (8) 83
pf/rj



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3048 continued

PAG LIN

1 1 DIVISION I
 1 2 public health disaster school closings
 1 3 Section 1. Section 135.144, Code Supplement 2009, is
 1 4 amended by adding the following new subsection:
 1 5 NEW SUBSECTION. 13. Order, in conjunction with the
 1 6 department of education, temporary closure of any public school
 1 7 or nonpublic school, as defined in section 280.2, to prevent or
 1 8 control the transmission of a communicable disease as defined
 1 9 in section 139A.2.

1 10 DIVISION II
 1 11 school dental screenings
 1 12 Sec. 2. Section 135.17, subsection 1, paragraphs a and b,
 1 13 Code Supplement 2009, are amended to read as follows:
 1 14 a. Except as provided in paragraphs "c" and "d", the
 1 15 parent or guardian of a child enrolled in elementary school
 1 16 shall provide evidence to the school district or accredited
 1 17 nonpublic elementary school in which the child is enrolled of
 1 18 the child having, no earlier than three years of age but ~~prior~~
 1 19 ~~to reaching six years of age~~ no later than four months after
 1 20 enrollment, at a minimum, a dental screening performed by a
 1 21 licensed physician as defined in chapter 148, a licensed nurse
 1 22 licensed under chapter 152, a licensed physician assistant
 1 23 ~~as defined in section 148C.1~~, or a licensed dental hygienist
 1 24 or dentist ~~as defined in chapter 153~~. Except as provided
 1 25 in paragraphs "c" and "d", the parent or guardian of a child
 1 26 enrolled in high school shall provide evidence to the school
 1 27 district or accredited nonpublic high school in which the
 1 28 child is enrolled of the child having, at a minimum, a dental
 1 29 screening performed ~~within the prior year~~ no earlier than
 1 30 one year prior to enrollment and not later than four months
 1 31 after enrollment by a licensed dental hygienist or dentist
 1 32 ~~as defined in chapter 153~~. A school district or accredited
 1 33 nonpublic school shall provide access to a process to complete
 1 34 the screenings described in this paragraph as appropriate.
 1 35 b. A person ~~performing~~ authorized to perform a dental



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3048 continued

2 1 screening required by this section shall record ~~the fact of~~
~~2 2 having conducted that~~ the screening was completed, and such
2 3 additional information required by the department, on uniform
2 4 forms developed by the department in cooperation with the
2 5 department of education. The form shall include a space for
2 6 the person ~~performing the screening~~ to summarize any condition
2 7 that may indicate a need for special services.

2 8 Sec. 3. Section 135.17, subsection 3, Code Supplement 2009,
2 9 is amended to read as follows:

2 10 3. By ~~June 30~~ May 31 annually, each local board shall
2 11 furnish the department with evidence that each student enrolled
2 12 in any public or nonpublic school within the local board's
2 13 jurisdiction has met the dental screening requirement in this
2 14 section.

2 15 DIVISION III

2 16 miscellaneous provisions

2 17 Sec. 4. Section 135.11, subsection 13, Code Supplement
2 18 2009, is amended by striking the subsection.

2 19 Sec. 5. Section 135.11, subsection 29, Code Supplement
2 20 2009, is amended to read as follows:

2 21 29. In consultation with the advisory committee for
2 22 perinatal guidelines, develop and maintain the statewide
2 23 perinatal program based on the recommendations of the American
2 24 academy of pediatrics and the American college of obstetricians
2 25 and gynecologists contained in the most recent edition of
2 26 the guidelines for perinatal care, and shall adopt rules in
2 27 accordance with chapter 17A to implement those recommendations.
2 28 Hospitals within the state shall determine whether to
2 29 participate in the statewide perinatal program, and select the
2 30 hospital's level of participation in the program. A hospital
2 31 having determined to participate in the program shall comply
2 32 with the guidelines appropriate to the level of participation
2 33 selected by the hospital. Perinatal program surveys and
2 34 reports are privileged and confidential and are not subject to
2 35 discovery, subpoena, or other means of legal compulsion for



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3048 continued

3 1 their release to a person other than the affected hospital, and
3 2 are not admissible in evidence in a judicial or administrative
3 3 proceeding other than a proceeding involving verification of
3 4 the participating hospital under this subsection.

3 5 Sec. 6. Section 135.11, Code Supplement 2009, is amended by
3 6 adding the following new subsection:

3 7 NEW SUBSECTION. 31. Administer the Iowa youth survey,
3 8 in collaboration with other state agencies, as appropriate,
3 9 every two years to students in grades six, eight, and eleven
3 10 in Iowa's public and nonpublic schools. Survey data shall be
3 11 evaluated and reported, with aggregate data available online at
3 12 the Iowa youth survey internet site.

3 13 EXPLANATION

3 14 This bill pertains to activities under the purview of the
3 15 department of public health (DPH) relating to public health
3 16 disaster authority, school dental screenings, the statewide
3 17 perinatal program, the Iowa youth survey, and regulation of the
3 18 distribution of venereal disease prophylactics. The bill is
3 19 comprised of divisions.

3 20 Division I amends Code section 135.144 relating to the
3 21 additional duties of DPH related to a public health disaster,
3 22 to provide that if a public health disaster exists, DPH, in
3 23 conjunction with the department of education, may order,
3 24 temporary closure of any public school or nonpublic school, to
3 25 prevent or control the transmission of a communicable disease.

3 26 Division II amends Code section 135.17 relating to school
3 27 dental screenings. The bill amends the timeframes for an
3 28 elementary school child to have a required dental screening
3 29 from no earlier than three years of age but prior to reaching
3 30 six years of age, to no earlier than three years of age but not
3 31 later than four months after enrollment in elementary school.
3 32 The timeframe for students enrolled in high school to have a
3 33 required dental screening is also amended from having a dental
3 34 screening performed within the year prior to enrollment to no
3 35 earlier than one year prior to enrollment and no later than



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3048 continued

4 1 four months after enrollment. The bill allows that the dental
4 2 screenings may be provided by any provider who is a licensed
4 3 specified provider, which may include providers licensed
4 4 outside of the state, and that any person authorized to perform
4 5 a dental screening may record that the screening was completed.
4 6 Finally, the bill amends the annual date, from June 30 to May
4 7 31, by which each school board shall furnish DPH with evidence
4 8 that each student enrolled in the local board's jurisdiction
4 9 has met the dental screening requirements.

4 10 Division III, miscellaneous provisions, amends Code section
4 11 135.11, duties of the department, to provide that program
4 12 surveys and reports of the statewide perinatal program are
4 13 privileged and confidential; to codify the Iowa youth survey
4 14 as a duty of DPH; and to provide for the repeal of provisions
4 15 relating to regulation of the distribution of venereal disease
4 16 prophylactics.

4 17 An existing provision applies to any violation of a
4 18 provision of the bill. Code section 135.38 provides that any
4 19 person who knowingly violates any provision of Code chapter
4 20 135, or of the rules of the department, or any lawful order,
4 21 written or oral, of the department or of its officers, or
4 22 authorized agents, is guilty of a simple misdemeanor.

LSB 5262DP (8) 83

pf/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3049

SENATE/HOUSE FILE
BY (PROPOSED BOARD OF PHARMACY
EXAMINERS BILL)

A BILL FOR

1 An Act making changes to the uniform controlled substances Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5155DP (6) 83
jm/nh



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3049 continued

PAG LIN

1 1 Section 1. Section 124.206, subsection 3, Code 2009, is
 1 2 amended by adding the following new paragraph:
 1 3 NEW PARAGRAPH. ab. Tapentadol.
 1 4 Sec. 2. Section 124.210, subsection 3, Code 2009, is amended
 1 5 by adding the following new paragraph:
 1 6 NEW PARAGRAPH. az. Fospropofol.
 1 7 Sec. 3. Section 124.212, subsection 5, Code Supplement
 1 8 2009, is amended to read as follows:
 1 9 5. Depressants. Unless specifically exempted or excluded
 1 10 or unless listed in another schedule, any material, compound,
 1 11 mixture, or preparation that contains any quantity of any
 1 12 of the following ~~substance~~ substances having a depressant
 1 13 effect on the central nervous system, including ~~its~~ salts of
 1 14 such substances: ~~\$Mpregabalin~~
 1 15 a. Lacosamide [(R)=2=acetoamido=N=benzyl=3=methoxy=
 1 16 propionamide].
 1 17 b. Pregabalin [(S)=3=(aminomethyl)=5= methylhexanoic acid].

EXPLANATION

1 18
 1 19 This bill makes changes to the uniform controlled substances
 1 20 Act.
 1 21 The bill adds the substance "tapentadol" to the list of
 1 22 opiates classified as schedule II controlled substances.
 1 23 The bill adds the substance "fospropofol" to the list of
 1 24 depressants classified as schedule IV controlled substances.
 1 25 The bill adds the substance "lacosamide [(R)=2=acetoamido=
 1 26 N=benzyl=3=methoxy=propionamide]" to the list of depressants
 1 27 classified as schedule V controlled substances.
 1 28 The substances added to the schedules by the bill are newly
 1 29 developed medications recently approved by the federal food
 1 30 and drug administration and are added to maintain uniformity
 1 31 between state and federal regulations.
 1 32 Iowa administrative code rules 657=10.1 through 657=10.40
 1 33 govern the regulation of controlled substances.

LSB 5155DP (6) 83

jm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF PUBLIC
HEALTH BILL)

A BILL FOR

1 An Act relating to emergency medical care providers, emergency
2 medical care service programs and emergency medical care
3 services training programs, and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5264DP (9) 83

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

PAG LIN

1 1 Section 1. Section 85.36, subsection 9, paragraph a, Code
1 2 2009, is amended to read as follows:
1 3 a. In computing the compensation to be allowed a volunteer
1 4 fire fighter, emergency medical care provider, reserve peace
1 5 officer, volunteer ambulance driver, volunteer emergency
1 6 ~~rescue medical~~ technician as defined in section 147A.1,
1 7 or emergency medical technician trainee, the earnings as
1 8 a fire fighter, emergency medical care provider, reserve
1 9 peace officer, volunteer ambulance driver, volunteer
1 10 emergency ~~rescue medical~~ technician, or emergency medical
1 11 technician trainee shall be disregarded and the volunteer
1 12 fire fighter, emergency medical care provider, reserve peace
1 13 officer, volunteer ambulance driver, volunteer emergency
1 14 ~~rescue medical~~ technician, or emergency medical technician
1 15 trainee shall be paid an amount equal to the compensation
1 16 the volunteer fire fighter, emergency medical care provider,
1 17 reserve peace officer, volunteer ambulance driver, volunteer
1 18 emergency ~~rescue medical~~ technician, or emergency medical
1 19 technician trainee would be paid if injured in the normal
1 20 course of the volunteer fire fighter's, emergency medical
1 21 care provider's, reserve peace officer's, volunteer ambulance
1 22 driver's, volunteer emergency ~~rescue medical~~ technician's, or
1 23 emergency medical technician trainee's regular employment or an
1 24 amount equal to one hundred and forty percent of the statewide
1 25 average weekly wage, whichever is greater.
1 26 Sec. 2. Section 85.61, subsection 2, paragraph a, Code 2009,
1 27 is amended to read as follows:
1 28 a. A person, firm, association, or corporation, state,
1 29 county, municipal corporation, school corporation, area
1 30 education agency, township as an employer of volunteer fire
1 31 fighters, volunteer emergency ~~rescue medical~~ technicians, and
1 32 emergency medical care providers only, benefited fire district,
1 33 and the legal representatives of a deceased employer.
1 34 Sec. 3. Section 85.61, subsection 7, paragraph b, Code 2009,
1 35 is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

2 1 b. Personal injuries sustained by volunteer emergency
2 2 ~~rescue~~ medical technicians or emergency medical care providers
2 3 as defined in section 147A.1 arise in the course of employment
2 4 if the injuries are sustained at any time from the time the
2 5 volunteer emergency ~~rescue~~ medical technicians or emergency
2 6 medical care providers are summoned to duty until the time
2 7 those duties have been fully discharged.

2 8 Sec. 4. Section 85.61, subsection 11, paragraph a,
2 9 subparagraph (2), Code 2009, is amended to read as follows:
2 10 (2) An emergency medical care provider as defined in section
2 11 147A.1, a volunteer emergency ~~rescue~~ medical technician ~~as~~
~~2 12 defined in section 147A.1, a volunteer ambulance driver, or~~
2 13 an emergency medical technician trainee, only if an agreement
2 14 is reached between such worker or employee and the employer
2 15 for whom the volunteer services are provided that workers'
2 16 compensation coverage under this chapter and chapters 85A and
2 17 85B is to be provided by the employer. An emergency medical
2 18 care provider or volunteer emergency ~~rescue~~ medical technician
2 19 who is a worker or employee under this subparagraph is not
2 20 a casual employee. "Volunteer ambulance driver" means a
2 21 person performing services as a volunteer ambulance driver
2 22 at the request of the person in charge of a fire department
2 23 or ambulance service of a municipality. "Emergency medical
2 24 technician trainee" means a person enrolled in and training for
2 25 emergency medical technician ~~certification~~ licensure.

2 26 Sec. 5. Section 100B.31, subsection 3, paragraph b, Code
2 27 Supplement 2009, is amended to read as follows:
2 28 b. A person performing the functions of an emergency
2 29 medical care provider ~~or emergency rescue technician~~ as defined
2 30 in section 147A.1 who was not paid full-time by the entity
2 31 for which such services were being performed at the time the
2 32 incident giving rise to the death occurred.

2 33 Sec. 6. Section 135.24, subsection 7, paragraph d, Code
2 34 Supplement 2009, is amended to read as follows:
2 35 d. "Health care provider" means a physician licensed under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

3 1 chapter 148, a chiropractor licensed under chapter 151, a
3 2 physical therapist licensed pursuant to chapter 148A, an
3 3 occupational therapist licensed pursuant to chapter 148B,
3 4 a podiatrist licensed pursuant to chapter 149, a physician
3 5 assistant licensed and practicing under a supervising physician
3 6 pursuant to chapter 148C, a licensed practical nurse, a
3 7 registered nurse, or an advanced registered nurse practitioner
3 8 licensed pursuant to chapter 152 or 152E, a respiratory
3 9 therapist licensed pursuant to chapter 152B, a dentist, dental
3 10 hygienist, or dental assistant registered or licensed to
3 11 practice under chapter 153, an optometrist licensed pursuant to
3 12 chapter 154, a psychologist licensed pursuant to chapter 154B,
3 13 a social worker licensed pursuant to chapter 154C, a mental
3 14 health counselor or a marital and family therapist licensed
3 15 pursuant to chapter 154D, a speech pathologist or audiologist
3 16 licensed pursuant to chapter 154F, a pharmacist licensed
3 17 pursuant to chapter 155A, or an emergency medical care provider
3 18 ~~certified~~ licensed pursuant to chapter 147A.

3 19 Sec. 7. Section 147A.1, subsection 4, Code Supplement 2009,
3 20 is amended to read as follows:

3 21 4. "Emergency medical care provider" means an individual
3 22 trained to provide emergency and nonemergency medical
3 23 care at the ~~first-responder, EMT-basic, EMT-intermediate,~~
3 24 ~~EMT-paramedic level, emergency medical responder,~~
3 25 emergency medical technician, advanced emergency medical
3 26 technician, paramedic, or other certification levels license
3 27 level adopted by rule by the department, who has been issued a
3 28 certificate license by the department.

3 29 Sec. 8. Section 147A.1, subsections 6, 8, and 9, Code
3 30 Supplement 2009, are amended by striking the subsections.

3 31 Sec. 9. Section 147A.1, Code Supplement 2009, is amended by
3 32 adding the following new subsections:

3 33 NEW SUBSECTION. 11. "Service program" or "service" means
3 34 any medical care ambulance service or nontransport service that
3 35 has received authorization from the department under section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

4 1 147A.5.
4 2 NEW SUBSECTION. 12. "Training program" means an Iowa
4 3 college approved by the north central association of colleges
4 4 and schools or an Iowa hospital authorized by the department to
4 5 conduct emergency medical care services training.
4 6 Sec. 10. Section 147A.2, Code 2009, is amended to read as
4 7 follows:
4 8 147A.2 Council established == terms of office.
4 9 1. An EMS advisory council shall be appointed by the
4 10 director. Membership of the council shall be comprised of
4 11 individuals nominated from, but not limited to, the following
4 12 state or national organizations: ~~MI~~Iowa osteopathic medical
4 13 association, Iowa medical society, American college of
4 14 emergency physicians, Iowa physician assistant society, Iowa
4 15 academy of family physicians, university of Iowa hospitals
4 16 and clinics, American academy of emergency medicine, American
4 17 academy of pediatrics, Iowa EMS association, Iowa firemen's
4 18 association, Iowa professional firefighters, EMS education
4 19 programs committee, ~~EMS regional council~~, Iowa nurses
4 20 association, Iowa hospital association, and the Iowa state
4 21 association of counties. The council shall also include a
4 22 member-at-large who is an emergency medical care provider.
4 23 2. The EMS advisory council shall advise the director and
4 24 develop policy recommendations concerning the regulation,
4 25 administration, and coordination of emergency medical services
4 26 in the state.
4 27 Sec. 11. Section 147A.4, Code Supplement 2009, is amended
4 28 to read as follows:
4 29 147A.4 Rulemaking authority.
4 30 1. a. The department shall adopt rules required or
4 31 authorized by this subchapter pertaining to the operation
4 32 of ~~ambulance, rescue, and first response services~~ service
4 33 programs which have received authorization under section
4 34 147A.5 to utilize the services of ~~certified~~ licensed emergency
4 35 medical care providers. These rules shall include but need not



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

5 1 be limited to requirements concerning physician supervision,
5 2 necessary equipment and staffing, and reporting by ~~ambulance,~~
~~5 3 rescue, and first response services~~ service programs which have
5 4 received the authorization pursuant to section 147A.5.
5 5 b. The director, pursuant to rule, may grant exceptions and
5 6 variances from the requirements of rules adopted under this
5 7 subchapter for any ~~ambulance, rescue, or first response~~ service
5 8 program. Exceptions or variations shall be reasonably related
5 9 to undue hardships which existing services experience in
5 10 complying with this subchapter or the rules adopted pursuant
5 11 to this subchapter. ~~However, no exception or variance may~~
~~5 12 be granted unless the service adopted a plan approved by the~~
~~5 13 department prior to July 1, 1996, to achieve compliance during~~
~~5 14 a period not to exceed seven years with this subchapter and~~
~~5 15 rules adopted pursuant to this subchapter.~~ Services requesting
5 16 exceptions and variances shall be subject to other applicable
5 17 rules adopted pursuant to this subchapter.
5 18 2. The department shall adopt rules required or authorized
5 19 by this subchapter pertaining to the examination and
5 20 ~~certification~~ licensure of emergency medical care providers.
5 21 These rules shall include, but need not be limited to,
5 22 requirements concerning prerequisites, training, and experience
5 23 for emergency medical care providers and procedures for
5 24 determining when individuals have met these requirements. The
5 25 department shall adopt rules to recognize the previous EMS
5 26 training and experience of ~~first responders and emergency~~
~~5 27 medical technicians to provide for an equitable transition to~~
~~5 28 the EMT-basic certification~~ emergency medical care providers
5 29 transitioning to the emergency medical responder, emergency
5 30 medical technician, advanced emergency medical technician,
5 31 and paramedic levels. The department may require additional
5 32 training and examinations as necessary and appropriate to
5 33 ensure that individuals seeking ~~certification~~ transition to
5 34 another level have met the ~~EMT-basic~~ knowledge and skill
5 35 requirements.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

6 1 3. The department shall establish the fee for the
6 2 examination of the emergency medical care providers to cover
6 3 the administrative costs of the examination program.

6 4 4. The department shall adopt rules required or authorized
6 5 by this subchapter pertaining to the operation of training
6 6 programs. These rules shall include but need not be limited
6 7 to requirements concerning curricula, resources, facilities,
6 8 and staff.

6 9 Sec. 12. Section 147A.5, subsections 1 and 3, Code 2009, are
6 10 amended to read as follows:

6 11 1. ~~An ambulance, rescue, or first response~~ A service
6 12 program in this state that desires to provide emergency
6 13 medical care in the out-of-hospital setting shall apply to
6 14 the department for authorization to establish a program for
6 15 delivery of the care at the scene of an emergency, during
6 16 transportation to a hospital, during transfer from one medical
6 17 care facility to another or to a private residence, or while in
6 18 the hospital emergency department, and until care is directly
6 19 assumed by a physician or by authorized hospital personnel.

6 20 3. The department may deny an application for
6 21 authorization, ~~or may~~ impose a civil penalty not to exceed
6 22 one thousand dollars upon, place on probation, suspend, or
6 23 revoke the authorization of, or otherwise discipline a service
6 24 program with an existing authorization if the department
6 25 finds reason to believe the service program has not been or
6 26 will not be operated in compliance with this subchapter and
6 27 the rules adopted pursuant to this subchapter, or that there
6 28 is insufficient assurance of adequate protection for the
6 29 public. The authorization denial ~~or~~, civil penalty, period of
6 30 probation, suspension, or revocation, or other disciplinary
6 31 action shall be effected and may be appealed as provided by
6 32 section 17A.12.

6 33 Sec. 13. Section 147A.6, Code 2009, is amended to read as
6 34 follows:

6 35 147A.6 Emergency medical care provider



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

7 1 ~~certificates~~ licenses== renewal.

7 2 1. The department, upon application and receipt of the
7 3 prescribed fee, shall issue a ~~certificate~~ license to an
7 4 individual who has met all of the requirements for emergency
7 5 medical care provider ~~certification~~ licensure established by
7 6 the rules adopted under section 147A.4, subsection 2. All
7 7 fees and civil penalties received pursuant to this section and
7 8 sections 147A.5, 147A.7, and 147A.17 shall be deposited in the
7 9 emergency medical services fund established in section 135.25.

7 10 2. Emergency medical care provider ~~certificates~~ licenses
7 11 are valid for the multiyear period determined by the
7 12 department, unless sooner suspended or revoked. The
7 13 ~~certificate~~ license shall be renewed upon application of the
7 14 holder and receipt of the prescribed fee if the holder has
7 15 satisfactorily completed continuing medical education programs
7 16 as required by rule.

7 17 Sec. 14. Section 147A.7, Code 2009, is amended to read as
7 18 follows:

7 19 147A.7 Denial, suspension, or revocation of
7 20 ~~certificates~~ licenses== other disciplinary action == hearing ==
7 21 appeal.

7 22 1. The department may deny an application for issuance or
7 23 renewal of an emergency medical care provider ~~certificate,~~
7 24 ~~or~~ license or may impose a civil penalty not to exceed one
7 25 thousand dollars upon, place on probation, suspend or revoke
7 26 the ~~certificate~~ license of, or otherwise discipline the
7 27 licensee when it finds that the applicant or ~~certificate~~
7 28 ~~holder licensee~~ is guilty of any of the following acts or
7 29 offenses:

7 30 a. Negligence in performing authorized services.

7 31 b. Failure to follow the directions of the supervising
7 32 physician.

7 33 c. Rendering treatment not authorized under this subchapter.

7 34 d. Fraud in procuring ~~certification~~ license.

7 35 e. Professional incompetency.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

8 1 f. Knowingly making misleading, deceptive, untrue or
8 2 fraudulent representation in the practice of a profession
8 3 or engaging in unethical conduct or practice harmful or
8 4 detrimental to the public. Proof of actual injury need not be
8 5 established.

8 6 g. Habitual intoxication or addiction to the use of drugs.

8 7 h. Fraud in representations as to skill or ability.

8 8 i. Willful or repeated violations of this subchapter or of
8 9 rules adopted pursuant to this subchapter.

8 10 j. Violating a statute of this state, another state, or
8 11 the United States, without regard to its designation as either
8 12 a felony or misdemeanor, which relates to the practice of an
8 13 emergency medical care provider. A copy of the record of
8 14 conviction or plea of guilty is conclusive evidence of the
8 15 violation.

8 16 k. Having ~~certification~~ the license to practice as an
8 17 emergency medical care provider ~~revoked~~ or suspended, or having
8 18 other disciplinary action taken by a licensing or certifying
8 19 authority of another state, territory, or country. A certified
8 20 copy of the record or order of suspension, revocation, or
8 21 disciplinary action is conclusive or prima facie evidence.

8 22 1. Other acts or offenses as specified by rule.

8 23 2. A determination of mental incompetence by
8 24 a court of competent jurisdiction automatically
8 25 suspends a ~~certificate~~ license for the duration of the
8 26 ~~certificate~~ license unless the department orders otherwise.

8 27 3. A ~~licensed~~ denial, civil penalty, period of
8 28 probation, suspension, or revocation, or other disciplinary
8 29 action under this section shall be effected, and may be
8 30 appealed in accordance with the rules of the department
8 31 established pursuant to chapter 272C.

8 32 Sec. 15. Section 147A.8, Code Supplement 2009, is amended
8 33 to read as follows:

8 34 147A.8 Authority of ~~certified~~ licensed emergency medical care
8 35 provider.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

9 1 ~~1-~~ An emergency medical care provider properly
9 2 ~~certified~~ licensed under this subchapter may:
9 3 ~~a-1.~~ Render emergency and nonemergency medical care,
9 4 rescue, and lifesaving services in those areas for which
9 5 the emergency medical care provider is ~~certified~~ licensed,
9 6 as defined and approved in accordance with the rules of the
9 7 department, at the scene of an emergency, during transportation
9 8 to a hospital or while in the hospital emergency department,
9 9 and until care is directly assumed by a physician or by
9 10 authorized hospital personnel.
9 11 ~~b-2.~~ Function in any hospital or any other entity in which
9 12 health care is ordinarily provided only when under the direct
9 13 supervision, as defined by rules adopted pursuant to chapter
9 14 17A, of a physician, when the emergency care provider is any
9 15 of the following:
9 16 ~~(1)a.~~ (1)a. Enrolled as a student or participating as a preceptor
9 17 in a training program approved by the department; ~~or~~ or an
9 18 agency authorized in another state to provide initial EMS
9 19 education and approved by the department.
9 20 ~~(2)b.~~ (2)b. Fulfilling continuing education requirements as
9 21 defined by rule; ~~or.~~
9 22 ~~(3)c.~~ (3)c. Employed by or assigned to a hospital or other entity
9 23 in which health care is ordinarily provided only when under the
9 24 direct supervision of a physician, as a member of an authorized
9 25 ~~ambulance, rescue, or first response~~ service program, or in
9 26 an individual capacity, by rendering lifesaving services in
9 27 the facility in which employed or assigned pursuant to the
9 28 emergency medical care provider's ~~certification~~ license and
9 29 under the direct supervision of a physician, physician
9 30 assistant, or registered nurse. An emergency medical care
9 31 provider shall not routinely function without the direct
9 32 supervision of a physician, physician assistant, or registered
9 33 nurse. However, when the physician, physician assistant, or
9 34 registered nurse cannot directly assume emergency care of
9 35 the patient, the emergency medical care provider may perform



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

10 1 without direct supervision emergency medical care procedures
10 2 for which that individual is ~~certified~~ licensed if the life of
10 3 the patient is in immediate danger and such care is required to
10 4 preserve the patient's life; ~~or.~~

10 5 ~~(4)d.~~ Employed by or assigned to a hospital or other entity
10 6 in which health care is ordinarily provided only when under the
10 7 direct supervision of a physician, as a member of an authorized
10 8 ~~ambulance, rescue, or first response service program,~~ or in
10 9 an individual capacity, to perform nonlifesaving procedures
10 10 for which those individuals have been ~~certified~~ licensed and
10 11 are designated in a written job description. Such procedures
10 12 may be performed after the patient is observed by and when the
10 13 emergency medical care provider is under the supervision of the
10 14 physician, physician assistant, or registered nurse, including
10 15 when the registered nurse is not acting in the capacity of a
10 16 physician designee, and where the procedure may be immediately
10 17 abandoned without risk to the patient.

10 18 ~~2. Nothing in this subchapter shall be construed to require~~
~~10 19 any voluntary ambulance, rescue, or first response service to~~
~~10 20 provide a level of care beyond minimum basic care standards.~~

10 21 Sec. 16. Section 147A.9, subsections 1 and 2, Code 2009, are
10 22 amended to read as follows:

10 23 1. When voice contact or a telemetered electrocardiogram is
10 24 monitored by a physician, physician's designee, or physician
10 25 assistant, and direct communication is maintained, an emergency
10 26 medical care provider may upon order of the monitoring
10 27 physician or upon standing orders of a physician transmitted
10 28 by the monitoring physician's designee or physician assistant
10 29 perform any emergency medical care procedure for which that
10 30 emergency medical care provider is ~~certified~~ licensed.

10 31 2. If communications fail during an emergency or
10 32 nonemergency situation, the emergency medical care provider
10 33 may perform any emergency medical care procedure for which
10 34 that individual is ~~certified~~ licensed and which is included in
10 35 written protocols if in the judgment of the emergency medical



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

11 1 care provider the life of the patient is in immediate danger
11 2 and such care is required to preserve the patient's life.

11 3 Sec. 17. Section 147A.10, subsections 1 and 3, Code 2009,
11 4 are amended to read as follows:

11 5 1. A physician, physician's designee, advanced registered
11 6 nurse practitioner, or physician assistant who gives orders,
11 7 either directly or via communications equipment from some
11 8 other point, or via standing protocols to an appropriately
11 9 ~~certified~~ licensed emergency medical care provider, registered
11 10 nurse, or licensed practical nurse at the scene of an
11 11 emergency, and an appropriately ~~certified~~ licensed emergency
11 12 medical care provider, registered nurse, or licensed practical
11 13 nurse following the orders, are not subject to criminal
11 14 liability by reason of having issued or executed the orders,
11 15 and are not liable for civil damages for acts or omissions
11 16 relating to the issuance or execution of the orders unless the
11 17 acts or omissions constitute recklessness.

11 18 3. An act of commission or omission of any appropriately
11 19 ~~certified~~ licensed emergency medical care provider, registered
11 20 nurse, licensed practical nurse, or physician assistant,
11 21 while rendering emergency medical care under the responsible
11 22 supervision and control of a physician to a person who is
11 23 deemed by them to be in immediate danger of serious injury
11 24 or loss of life, shall not impose any liability upon the
11 25 ~~certified~~ licensed emergency medical care provider, registered
11 26 nurse, licensed practical nurse, or physician assistant, the
11 27 supervising physician, physician designee, advanced registered
11 28 nurse practitioner, or any hospital, or upon the state, or any
11 29 county, city or other political subdivision, or the employees
11 30 of any of these entities; provided that this section shall not
11 31 relieve any person of liability for civil damages for any act
11 32 of commission or omission which constitutes recklessness.

11 33 Sec. 18. Section 147A.11, Code 2009, is amended to read as
11 34 follows:

11 35 147A.11 Prohibited acts.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

12 1 1. Any person not ~~certified~~ licensed as required by this
12 2 subchapter who claims to be an emergency medical care provider,
12 3 or who uses any other term to indicate or imply that the
12 4 person is an emergency medical care provider, or who acts as
12 5 an emergency medical care provider without having obtained
12 6 the appropriate ~~certificate~~ license under this subchapter, is
12 7 guilty of a class "D" felony.

12 8 2. An owner of an unauthorized ~~ambulance, rescue, or~~
~~12 9 first response~~ service program in this state who operates
12 10 or purports to operate ~~an ambulance, rescue, or first~~
~~12 11 response~~ a service program, or who uses any term to indicate
12 12 or imply authorization without having obtained the appropriate
12 13 authorization under this subchapter, is guilty of a class "D"
12 14 felony.

12 15 3. Any person who imparts or conveys, or causes to be
12 16 imparted or conveyed, or attempts to impart or convey false
12 17 information concerning the need for assistance of ~~an ambulance,~~
~~12 18 rescue, or first response~~ a service program or of any personnel
12 19 or equipment thereof, knowing such information to be false, is
12 20 guilty of a serious misdemeanor.

12 21 Sec. 19. Section 147A.12, subsection 1, Code 2009, is
12 22 amended to read as follows:

12 23 1. This subchapter does not restrict a registered nurse,
12 24 licensed pursuant to chapter 152, from staffing an authorized
12 25 ~~ambulance, rescue, or first response~~ service program, provided
12 26 the registered nurse can document equivalency through education
12 27 and additional skills training essential in the delivery of
12 28 out-of-hospital emergency care. The equivalency shall be
12 29 accepted when:

12 30 a. Documentation has been reviewed and approved at the local
12 31 level by the medical director of the ~~ambulance, rescue, or~~
~~12 32 first response~~ service program in accordance with the rules of
12 33 the board of nursing developed jointly with the department.

12 34 b. Authorization has been granted to that ~~ambulance, rescue,~~
~~12 35 or first response~~ service program by the department.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

13 1 Sec. 20. Section 147A.13, Code 2009, is amended to read as
13 2 follows:

13 3 147A.13 Physician assistant exception.

13 4 This subchapter does not restrict a physician assistant,
13 5 licensed pursuant to chapter 148C, from staffing an authorized
13 6 ~~ambulance, rescue, or first response~~ service program if the
13 7 physician assistant can document equivalency through education
13 8 and additional skills training essential in the delivery of
13 9 out-of-hospital emergency care. The equivalency shall be
13 10 accepted when:

13 11 1. Documentation has been reviewed and approved at the local
13 12 level by the medical director of the ~~ambulance, rescue, or~~
~~13 13 first response~~ service program in accordance with the rules of
13 14 the board of physician assistants developed after consultation
13 15 with the department.

13 16 2. Authorization has been granted to that ~~ambulance,~~
~~13 17 rescue, or first response~~ service program by the department.

13 18 Sec. 21. Section 147A.16, subsection 1, Code 2009, is
13 19 amended to read as follows:

13 20 1. This subchapter does not apply to a registered member
13 21 of the national ski patrol system, an industrial safety
13 22 officer, a lifeguard, or a person employed or volunteering
13 23 in a similar capacity in which the person provides on-site
13 24 emergency medical care at a facility solely to the patrons or
13 25 employees of that facility, provided that such person provides
13 26 emergency medical care only within the scope of the person's
13 27 training and certification and the person does not claim to
13 28 be a ~~certified~~ licensed emergency medical care provider or
13 29 use any other term to indicate or imply that the person is a
13 30 ~~certified~~ licensed emergency medical care provider.

13 31 Sec. 22. NEW SECTION. 147A.17 Applications for emergency
13 32 medical care services training programs == approval or denial ==
13 33 disciplinary actions.

13 34 1. An Iowa college approved by the north central association
13 35 of colleges and schools or an Iowa hospital in this state that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

14 1 desires to provide emergency medical care services training
14 2 leading to licensure as an emergency medical care provider
14 3 shall apply to the department for authorization to establish a
14 4 training program.
14 5 2. The department shall approve an application submitted in
14 6 accordance with subsection 1 when the department is satisfied
14 7 that the program proposed by the application will be operated
14 8 in compliance with this subchapter and the rules adopted
14 9 pursuant to this subchapter.
14 10 3. The department may deny an application for authorization
14 11 or may impose a civil penalty not to exceed one thousand
14 12 dollars upon, place on probation, suspend or revoke the
14 13 authorization of, or otherwise discipline a training program
14 14 with an existing authorization if the department finds reason
14 15 to believe the program has not been or will not be operated in
14 16 compliance with this subchapter and the rules adopted pursuant
14 17 to this subchapter, or that there is insufficient assurance of
14 18 adequate protection for the public. The authorization denial,
14 19 civil penalty, period of probation, suspension, or revocation,
14 20 or other disciplinary action shall be effected and may be
14 21 appealed as provided by section 17A.12.
14 22 Sec. 23. Section 232.68, subsection 5, Code Supplement
14 23 2009, is amended to read as follows:
14 24 5. "Health practitioner" includes a licensed physician
14 25 and surgeon, osteopathic physician and surgeon, dentist,
14 26 optometrist, podiatric physician, or chiropractor; a resident
14 27 or intern in any of such professions; a licensed dental
14 28 hygienist, a registered nurse or licensed practical nurse; a
14 29 physician assistant; and an emergency medical care provider
14 30 ~~certified~~ licensed under section 147A.6.
14 31 Sec. 24. Section 272C.1, subsection 6, paragraph ad, Code
14 32 Supplement 2009, is amended to read as follows:
14 33 ad. The director of public health in
14 34 ~~certifying~~ licensing emergency medical care providers and
14 35 emergency medical care services pursuant to chapter 147A.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3050 continued

15 1 Sec. 25. Section 321.267A, subsection 5, Code 2009, is
15 2 amended to read as follows:

15 3 5. For the purposes of this section, "other emergency
15 4 responder" means a fire fighter certified as a fire fighter
15 5 I pursuant to rules adopted under chapter 100B and trained
15 6 in emergency driving or an emergency medical ~~responder~~
~~15 7 certified care provider licensed under chapter 147A and trained~~
15 8 in emergency driving.

15 9 Sec. 26. Section 724.6, subsection 2, Code Supplement 2009,
15 10 is amended to read as follows:

15 11 2. Notwithstanding subsection 1, fire fighters, as defined
15 12 in section 411.1, subsection 10, airport fire fighters included
15 13 under section 97B.49B, ~~emergency rescue technicians~~, and
15 14 emergency medical care providers, as defined in section 147A.1,
15 15 shall not, as a condition of employment, be required to obtain
15 16 a permit under this section. However, the provisions of
15 17 this subsection shall not apply to a person designated as an
15 18 arson investigator by the chief fire officer of a political
15 19 subdivision.

15 20 EXPLANATION

15 21 This bill provides for the licensure, rather than
15 22 certification, of emergency medical care providers.

15 23 An emergency medical care provider is defined by the bill
15 24 as an individual trained to provide emergency and nonemergency
15 25 medical care as an emergency medical responder, emergency
15 26 medical technician, advanced emergency medical technician, or
15 27 paramedic. The bill eliminates definitions for and references
15 28 to "emergency medical services instructor", "emergency rescue
15 29 technician", and "first responder". The bill empowers the
15 30 department of public health to create other levels of licensure
15 31 by rule.

15 32 The bill adds a definition of a service program, as a
15 33 department=authorized medical care ambulance service or
15 34 nontransport service. The authorization is similar to a
15 35 license.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3050 continued

16 1 The bill adds two stakeholder groups to the current
16 2 EMS advisory council, representing emergency medicine and
16 3 pediatrics.

16 4 The bill establishes a civil penalty of up to \$1,000 for
16 5 licensees, service programs, and training programs, if the
16 6 department finds that the licensee or program has not been
16 7 or will not be operated in compliance with the licensing or
16 8 authorization requirements, or that there is insufficient
16 9 assurance of adequate protection for the public.

16 10 The bill establishes a procedure for the approval of
16 11 training programs for emergency medical care providers.
16 12 These programs must be approved by the department, and may
16 13 be provided by an Iowa college approved by the north central
16 14 association of colleges and schools or by an Iowa hospital.

LSB 5264DP (9) 83

jr/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3051

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF PUBLIC
HEALTH BILL)

A BILL FOR

1 An Act authorizing the continuing expenditure of repayment
2 receipts for lead training and certification collected by
3 the department of public health and including effective date
4 and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5267DP (5) 83
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3051 continued

PAG LIN

1 1 Section 1. Section 135.105A, subsection 5, Code Supplement
1 2 2009, is amended to read as follows:

1 3 5. The department shall adopt rules regarding minimum
1 4 requirements for lead inspector, lead abater, and lead-safe
1 5 renovator training programs, certification, work practice
1 6 standards, and suspension and revocation requirements, and
1 7 shall implement the training and certification programs. The
1 8 department shall seek federal funding and shall establish fees
1 9 in amounts sufficient to defray the cost of the programs.
1 10 The fees shall be used for any of the department's duties
1 11 under this division, including but not limited to the costs
1 12 of full-time equivalent positions for program services and
1 13 investigations. Any such positions are in addition to other
1 14 positions authorized for the department. Fees received shall
1 15 be considered repayment receipts as defined in section 8.2, and
1 16 notwithstanding section 8.33, any amounts of such fees that
1 17 remain unencumbered or unobligated at the close of the fiscal
1 18 year shall not revert to any fund but shall remain available
1 19 for expenditure for the purposes designated until the close of
1 20 the succeeding fiscal year.

1 21 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
1 22 Act, being deemed of immediate importance, takes effect upon
1 23 enactment and applies to any fees collected pursuant to section
1 24 135.105A during or after the fiscal year beginning July 1,
1 25 2009.

1 26 EXPLANATION

1 27 This bill authorizes the continuing expenditure of repayment
1 28 receipts for lead training and certification collected by the
1 29 department of public health under Code section 135.105A and
1 30 remaining unexpended or unobligated at the close of a fiscal
1 31 year. The authorization extends to the subsequent fiscal year.

1 32 The bill also requires the fees collected to be used for any
1 33 of the department's duties under division VIII of the division
1 34 of Code chapter 135, pertaining to the lead abatement program,
1 35 including but not limited to the costs of full-time equivalent



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3051 continued

2 1 positions for lead training and certification program services
2 2 and investigations. Any such positions are in addition to
2 3 other positions authorized for the department.
2 4 The bill takes effect upon enactment and applies to any
2 5 fees collected under Code section 135.105A during or after FY
2 6 2009=2010.

LSB 5267DP (5) 83

jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3052

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS BILL)

A BILL FOR

1 An Act requiring criminal history and abuse registry checks for
2 certified nurse aide training program students and providing
3 a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5399DP (4) 83
jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3052 continued

PAG LIN

1 1 Section 1. Section 135C.33, Code Supplement 2009, is
1 2 amended by adding the following new subsection:
1 3 NEW SUBSECTION. 8. a. For the purposes of this subsection,
1 4 unless the context otherwise requires:
1 5 (1) "Certified nurse aide training program" means a program
1 6 approved in accordance with the rules for such programs adopted
1 7 by the department of human services for the training of persons
1 8 seeking to be a certified nurse aide for employment in any of
1 9 the facilities or programs this section applies to or in a
1 10 hospital, as defined in Code section 135B.1.
1 11 (2) "Student" means a person applying for, enrolled in, or
1 12 returning to a certified nurse aide training program.
1 13 b. A certified nurse aide training program shall request
1 14 that the department of public safety perform a criminal history
1 15 check and the department of human services perform child and
1 16 dependent adult abuse record checks, in this state, of the
1 17 program's students. The program may access the single contact
1 18 repository established pursuant to this section as necessary
1 19 for the program to initiate the record checks.
1 20 c. If a student has a criminal record or a record of
1 21 founded child or dependent adult abuse, the student shall
1 22 not be involved in a clinical education component of the
1 23 certified nurse aide training program involving children or
1 24 dependent adults unless an evaluation has been performed by the
1 25 department of human services. Upon request of the certified
1 26 nurse aide training program, the department of human services
1 27 shall perform an evaluation to determine whether the record
1 28 warrants prohibition of the student's involvement in a clinical
1 29 education component of the certified nurse aide training
1 30 program involving children or dependent adults. The evaluation
1 31 shall be performed in accordance with the criteria specified in
1 32 subsection 3 and the department of human services shall report
1 33 the results of the evaluation to the certified nurse aide
1 34 training program. The department of human services has final
1 35 authority in determining whether prohibition of the student's



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3052 continued

2 1 involvement in the clinical education component is warranted.
2 2 d. (1) If a student is convicted of a crime or has a
2 3 record of founded child or dependent adult abuse entered in the
2 4 abuse registry after the record checks and any evaluation have
2 5 been performed, the student shall inform the certified nurse
2 6 aide training program of such information within forty-eight
2 7 hours of the criminal conviction or entry of the record of
2 8 founded child or dependent adult abuse. The program shall
2 9 act to verify the information within forty-eight hours of
2 10 notification. If the information is verified, the requirements
2 11 of paragraph "c" shall be applied by the program to determine
2 12 whether or not the student's involvement in a clinical
2 13 education component may continue. The program may allow the
2 14 student involvement to continue pending the performance of an
2 15 evaluation by the department of human services. A student
2 16 who is required by this subparagraph to inform the program of
2 17 a conviction or entry of an abuse record and fails to do so
2 18 within the required period commits a serious misdemeanor.
2 19 (2) If a program receives credible information, as
2 20 determined by the program, that a student has been convicted
2 21 of a crime or a record of founded child or dependent adult
2 22 abuse has been entered in the abuse registry after the record
2 23 checks and any evaluation have been performed, from a person
2 24 other than the student and the student has not informed the
2 25 program of such information within the period required under
2 26 subparagraph (1), the program shall act to verify the credible
2 27 information within forty-eight hours of receipt of the credible
2 28 information. If the information is verified, the requirements
2 29 of paragraph "c" shall be applied to determine whether or not
2 30 the student's involvement in a clinical education component may
2 31 continue.
2 32 (3) The program may notify the county attorney for the
2 33 county where the program is located of any violation or failure
2 34 by a student to notify the program of a criminal conviction
2 35 or entry of an abuse record within the period required under



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3052 continued

3 1 subparagraph (1).

3 2 EXPLANATION

3 3 This bill requires criminal history and abuse registry
3 4 checks for certified nurse aide training program students.
3 5 The bill establishes the requirement in Code section 135C.33,
3 6 relating to such record checks for prospective employees
3 7 of nursing facilities, various types of in-home services,
3 8 hospices, elder group homes, and assisted living programs.

3 9 The terms "certified nurse aide training program" and
3 10 "student" are defined. Certified nurse aide training programs
3 11 are authorized to access the single contact repository
3 12 established by the department of inspections and appeals for
3 13 performing the criminal history and abuse registry checks.

3 14 If a nurse aide student has a criminal record or a record of
3 15 founded child or dependent adult abuse, the student cannot be
3 16 involved in a clinical education component of a certified nurse
3 17 aide training program involving children or dependent adults
3 18 unless an evaluation has been performed by the department
3 19 of human services to determine whether the record warrants
3 20 prohibition of the student's involvement in the component.

3 21 The department of human services is required to perform the
3 22 evaluation if requested to do so by the training program. The
3 23 evaluation is to be performed in accordance with the existing
3 24 criteria for employment-related evaluations. The department of
3 25 human services has final authority to make the determination.

3 26 The bill includes an ongoing notification requirement
3 27 that is similar to the employment-related requirement in
3 28 Code section 135C.33. If, after the record checks and any
3 29 evaluation have been performed, a student is convicted of a
3 30 crime or has a record of founded abuse entered, the student is
3 31 required to notify the program of that information within 48
3 32 hours. Failure to comply is a criminal offense punishable as a
3 33 serious misdemeanor. A serious misdemeanor is punishable by
3 34 confinement for no more than one year and a fine of at least
3 35 \$315 but not more than \$1,875.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3052 continued

4 1 If the program receives credible information that such
4 2 conviction or record has been entered and the student had not
4 3 provided the required notification, the program is required to
4 4 act to verify the information within 48 hours of receiving it.
4 5 The evaluation provisions apply if the offense was committed
4 6 or record entered. A program may notify the county attorney
4 7 regarding a student's failure to comply with the notification
4 8 requirement.

LSB 5399DP (4) 83

jp/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3053

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS BILL)

A BILL FOR

1 An Act relating to transfer of assets provisions under the
2 medical assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5374DP (5) 83
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3053 continued

PAG LIN

1 1 Section 1. Section 249F.1, subsection 2, paragraph a, Code
1 2 2009, is amended to read as follows:

1 3 a. "Transfer of assets" means any transfer or assignment
1 4 of a legal or equitable interest in property, as defined in
1 5 section 702.14, from a transferor to a transferee for less than
1 6 fair consideration, made while the transferor is receiving
1 7 medical assistance or within five years prior to application
1 8 for medical assistance by the transferor. Any such transfer
1 9 or assignment is presumed to be made with the intent, on the
1 10 part of the transferee; transferor; or another person acting
1 11 on behalf of a transferor who is an actual or implied agent,
1 12 guardian, attorney-in-fact, or person acting as a fiduciary,
1 13 of enabling the transferor to obtain or maintain eligibility
1 14 for medical assistance or of impacting the recovery or payment
1 15 of a medical assistance debt. This presumption is rebuttable
1 16 only by clear and convincing evidence that the transferor's
1 17 eligibility or potential eligibility for medical assistance or
1 18 the impact on the recovery or payment of a medical assistance
1 19 debt was no part of the ~~transferee's~~ reason of the transferee;
1 20 transferor; or other person acting on behalf of a transferor
1 21 who is an actual or implied agent, guardian, attorney-in-fact,
1 22 or person acting as a fiduciary for making or accepting the
1 23 transfer or assignment. A transfer of assets includes a
1 24 transfer of an interest in the transferor's home, domicile, or
1 25 land appertaining to such home or domicile while the transferor
1 26 is receiving medical assistance, unless otherwise exempt under
1 27 paragraph "b".

1 28 Sec. 2. Section 249F.1, subsection 2, paragraph b,
1 29 subparagraph (6), Code 2009, is amended to read as follows:
1 30 (6) Transfers of assets that would, at the time of the
1 31 transferor's application for medical assistance, have been
1 32 exempt from consideration as a resource if retained by the
1 33 transferor, pursuant to 42 U.S.C. {§N1382b(a), as implemented
1 34 by regulations adopted by the secretary of the United States
1 35 department of health and human services, excluding the home and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3053 continued

2 1 land appertaining to the home.

2 2 EXPLANATION

2 3 This bill amends the definition of "transfer of assets"
2 4 for the purpose of eligibility for the medical assistance
2 5 (Medicaid) program. The bill amends the definition to provide
2 6 that any transfer or assignment of a legal or equitable
2 7 interest in property, from a transferor to a transferee for
2 8 less than fair consideration, made while the transferor is
2 9 receiving medical assistance or within five years prior to
2 10 application for medical assistance by the transferor, is
2 11 presumed to be made with the intent, on the part of not only the
2 12 transferee, but also the transferor; or another person acting
2 13 on behalf of a transferor who is an actual or implied agent,
2 14 guardian, attorney-in-fact, or person acting as a fiduciary, of
2 15 enabling the transferor to obtain or maintain eligibility for
2 16 medical assistance or of impacting the recovery or payment of a
2 17 medical assistance debt. The presumption is then rebuttable
2 18 only by clear and convincing evidence that the transferor's
2 19 eligibility or potential eligibility for Medicaid or the impact
2 20 on the recovery or payment of a medical assistance debt was no
2 21 part of the reason of not only the transferee, but any of the
2 22 other parties specified for making or accepting the transfer
2 23 or assignment.

2 24 The bill provides that a transfer of assets includes a
2 25 transfer of an interest in the transferor's home, domicile, or
2 26 land appertaining to such home or domicile while the transferor
2 27 is receiving medical assistance, unless otherwise exempt.

2 28 The bill amends the listing of transfers that are exempt from
2 29 the definition to provide that a transfer of assets that would
2 30 have been exempt from consideration as a resource if retained
2 31 by the transferor pursuant to federal law does not include a
2 32 transfer of the home or land appertaining to the home.

LSB 5374DP (5) 83

pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3054

SENATE FILE

BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY CHAIRPERSON
RAGAN)

A BILL FOR

1 An Act relating to the disclosure of disease information
2 reported to a public health department.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5387SC (5) 83
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3054 continued

PAG LIN

1 1 Section 1. Section 22.7, subsection 16, Code Supplement
1 2 2009, is amended to read as follows:

1 3 16. Information in a report to the Iowa department of
1 4 public health, to a local board of health, or to a local health
1 5 department, which specifically identifies a person infected
1 6 with a reportable disease. However, this subsection shall
1 7 not be construed to prevent the disclosure of the county of
1 8 residence, health condition, sex, and approximate age of a
1 9 person infected with a reportable disease.

1 10 Sec. 2. Section 139A.3, subsection 2, paragraphs b and c,
1 11 Code 2009, are amended to read as follows:

1 12 b. A report or other information provided to or maintained
1 13 by the department, a local board, or a local department,
1 14 which specifically identifies a person infected with or
1 15 exposed to a reportable or other disease or health condition,
1 16 is confidential and shall not be accessible to the public.

1 17 However, this paragraph shall not be construed to prevent the
1 18 disclosure of the county of residence, health condition, sex,
1 19 and approximate age of a person infected with or exposed to a
1 20 reportable or other disease or health condition.

1 21 c. Notwithstanding paragraph "b", information contained
1 22 in the report, including the county of residence, health
1 23 condition, sex, and approximate age of a person infected
1 24 with or exposed to a reportable or other disease or health
1 25 condition, may be reported in public health records in a manner
1 26 which prevents the identification of any person or business
1 27 named in the report. If information contained in the report
1 28 concerns a business, information disclosing the identity of
1 29 the business may be released to the public when the state
1 30 epidemiologist or the director of public health determines such
1 31 a release of information necessary for the protection of the
1 32 health of the public.

1 33 EXPLANATION

1 34 This bill provides for the disclosure of information
1 35 included in reports to the department of public health, local



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3054 continued

2 1 boards of health, or local departments of health relating to
2 2 reportable or other diseases or health conditions which does
2 3 not specifically identify the individual. Such information
2 4 may include the county of residence, health condition, sex,
2 5 and approximate age of a person infected with or exposed to a
2 6 reportable or other disease or health condition.

LSB 5387SC (5) 83

pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3055

SENATE FILE

BY (PROPOSED COMMITTEE ON HUMAN
RESOURCES BILL BY CHAIRPERSON
RAGAN)

A BILL FOR

1 An Act relating to participation of chiropractors in certain
2 limited provider network plans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5146XC (3) 83
av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3055 continued

PAG LIN

1 1 Section 1. Section 514C.13, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 5. A carrier or organized delivery system
1 4 or a large employer which offers a limited provider network
1 5 plan shall permit any chiropractor licensed under chapter
1 6 151 who is located in the geographic area served by the plan
1 7 and who agrees to abide by the plan's terms, conditions,
1 8 reimbursement rates, and quality standards, to serve as a
1 9 participating provider in the limited provider network plan.

1 10 EXPLANATION

1 11 This bill provides that a carrier or organized delivery
1 12 system or a large employer that offers a limited provider
1 13 network plan is required to allow any chiropractor licensed
1 14 under Code chapter 151 who is located in the geographic area
1 15 served by the plan and who agrees to abide by the terms,
1 16 conditions, reimbursement rates, and quality standards of the
1 17 plan, to serve as a participating provider in the limited
1 18 provider network plan.

1 19 A "limited provider network plan" means a managed care
1 20 health plan which limits access to or coverage for services to
1 21 selected health care providers who are under contract with the
1 22 managed care health plan.

LSB 5146XC (3) 83

av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3056

SENATE FILE

BY (PROPOSED COMMITTEE ON LABOR AND
BUSINESS RELATIONS BILL BY
CHAIRPERSON COURTNEY)

A BILL FOR

1 An Act relating to choice of medical care by members of the
2 municipal police and fire retirement system who are injured
3 in the line of duty.

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

TLSB 5128XC (5) 83

av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3056 continued

PAG LIN

1 1 Section 1. Section 411.15, Code 2009, is amended to read as
1 2 follows:

1 3 411.15 Hospitalization and medical attention.

1 4 Cities shall provide hospital, nursing, and medical

1 5 attention for the members of the police and fire departments

1 6 of the cities, when injured while in the performance of their

1 7 duties as members of such department, and shall continue to

1 8 provide hospital, nursing, and medical attention for injuries

1 9 or diseases incurred while in the performance of their duties

1 10 for members receiving a retirement allowance under section

1 11 411.6, subsection 6. Members receiving hospital, nursing, and

1 12 medical attention pursuant to this section shall have the right

1 13 to choose the care. Cities may fund the cost of the hospital,

1 14 nursing, and medical attention required by this section through

1 15 the purchase of insurance, by self-insuring the obligation, or

1 16 through payment of moneys into a local government risk pool

1 17 established for the purpose of covering the costs associated

1 18 with the requirements of this section. However, the cost of

1 19 the hospital, nursing, and medical attention required by this

1 20 section shall not be funded through an employee-paid health

1 21 insurance policy. The cost of the hospital, nursing, and

1 22 medical attention required by this section shall be paid from

1 23 moneys held in a trust and agency fund established pursuant to

1 24 section 384.6, or out of the appropriation for the department

1 25 to which the injured person belongs or belonged; provided that

1 26 any amounts received by the injured person from any other

1 27 source for such specific purposes, shall be deducted from the

1 28 amount paid by the city under the provisions of this section.

1 29

EXPLANATION

1 30 This bill amends Code section 411.15 to specify that members

1 31 of the municipal police and fire retirement system who are

1 32 injured while in the performance of their duties and need

1 33 medical attention have the right to choose the care provided.

LSB 5128XC (5) 83

av/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3057

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF WORKFORCE
DEVELOPMENT BILL)

A BILL FOR

1 An Act relating to employment practices and public safety
2 programs administered by the division of labor services of
3 the department of workforce development.

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

TLSB 5428DP (6) 83

ak/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3057 continued

PAG LIN

1 1 Section 1. Section 88.5, subsection 1, Code 2009, is amended
1 2 by striking the subsection and inserting in lieu thereof the
1 3 following:

1 4 1. Promulgation of rules. The commissioner shall, by rule,
1 5 promulgate standards as needed to conform state occupational
1 6 safety and health standards to federal occupational safety and
1 7 health standards. The commissioner shall follow the rulemaking
1 8 procedures of chapter 17A, and shall file a notice of intended
1 9 action within ninety days of federal publication of a new,
1 10 amended, or revoked federal standard.

1 11 Sec. 2. Section 88.19, Code 2009, is amended to read as
1 12 follows:

1 13 88.19 Annual report.

1 14 Within one hundred twenty days following the convening
1 15 of each session of each general assembly, the commissioner
1 16 shall prepare and submit to the governor for transmittal to
1 17 the general assembly a report upon the subject matter of
1 18 this chapter, the progress toward achievement of the purpose
1 19 of this chapter, the needs and requirements in the field
1 20 of occupational safety and health, and any other relevant
1 21 information. Such reports may include information regarding
1 22 occupational safety and health standards, and criteria for such
1 23 standards, developed during the preceding year; evaluation of
1 24 standards and criteria previously developed under this chapter,
1 25 defining areas of emphasis for new criteria and standards;
1 26 and evaluation of the degree of observance of applicable
1 27 occupational safety and health standards, and a summary of
1 28 inspection and enforcement activity undertaken, ~~including~~
~~1 29 remedial actions taken under chapter 89A;~~ analysis and
1 30 evaluation of research activities for which results have been
1 31 obtained under governmental and nongovernmental sponsorship;
1 32 an analysis of major occupational diseases; evaluation of
1 33 available control and measurement technology for hazards for
1 34 which standards or criteria have been developed during the
1 35 preceding year; description of cooperative efforts undertaken



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3057 continued

2 1 between government agencies and other interested parties in
2 2 the implementation of this chapter during the preceding year;
2 3 a progress report on the development of an adequate supply
2 4 of trained personnel in the field of occupational safety and
2 5 health, including estimates of future needs and the efforts
2 6 being made by government and others to meet those needs;
2 7 listing of all toxic substances in industrial usage for which
2 8 labeling requirements, criteria, or standards have not yet
2 9 been established; and such recommendations for additional
2 10 legislation as are deemed necessary to protect the safety and
2 11 health of the worker and improve the administration of this
2 12 chapter.

2 13 Sec. 3. Section 89.3, subsection 9, Code Supplement 2009,
2 14 is amended by striking the subsection and inserting in lieu
2 15 thereof the following:

2 16 9. An internal inspection shall not be required on an
2 17 unfired steam pressure vessel that was manufactured without an
2 18 inspection opening.

2 19 Sec. 4. Section 89.4, subsection 3, Code 2009, is amended by
2 20 striking the subsection.

2 21 Sec. 5. Section 89.6, Code 2009, is amended to read as
2 22 follows:

2 23 89.6 ~~New boilers == notice~~ Notice to commissioner.

2 24 1. Before any equipment included under the provisions
2 25 of this chapter is installed by any owner, user, or lessee
2 26 thereof, a ten days' written notice of intention to install the
2 27 equipment shall be given to the commissioner. The notice shall
2 28 designate the proposed place of installation, the type and
2 29 capacity of the equipment, the use to be made thereof, the name
2 30 of the company which manufactured the equipment, and whether
2 31 the equipment is new or used.

2 32 2. Before any power boiler is converted to a low pressure
2 33 boiler, the owner or user shall give ten days' written notice
2 34 of intent to convert the boiler to the commissioner. The
2 35 notice shall designate the boiler location, the uses of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3057 continued

3 1 building, and other information specified by rule by the board.

3 2 Sec. 6. Section 89.14, Code Supplement 2009, is amended by
3 3 adding the following new subsection:

3 4 NEW SUBSECTION. 9. The board may adopt rules governing the
3 5 conversion of power boilers to low pressure boilers.

3 6 Sec. 7. Section 91.4, subsection 5, Code 2009, is amended
3 7 to read as follows:

3 8 5. The director of the department of workforce development,
3 9 in consultation with the labor commissioner, shall, at the
3 10 time provided by law, make an annual report to the governor
3 11 setting forth in appropriate form the business and expense of
3 12 the division of labor services for the preceding year, the
3 13 number of remedial actions taken under chapter 89A, the number

3 14 of disputes or violations processed by the division and the
3 15 disposition of the disputes or violations, and other matters
3 16 pertaining to the division which are of public interest,
3 17 together with recommendations for change or amendment of the
3 18 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
3 19 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68,
3 20 and the recommendations, if any, shall be transmitted by the
3 21 governor to the first general assembly in session after the
3 22 report is filed.

3 23 Sec. 8. Section 92.2, subsection 2, Code 2009, is amended by
3 24 striking the subsection.

3 25 Sec. 9. Section 92.10, unnumbered paragraph 1, Code 2009,
3 26 is amended to read as follows:

3 27 ~~Except as provided in section 92.2, a~~ A person under sixteen
3 28 years of age shall not be employed or permitted to work with or
3 29 without compensation unless the person, firm, or corporation
3 30 employing such person receives and keeps on file accessible
3 31 to any officer charged with the enforcement of this chapter,
3 32 a work permit issued as provided in this chapter, and keeps a
3 33 complete list of the names and ages of all such persons under
3 34 sixteen years of age employed.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3057 continued

4 1 Sec. 10. Section 92.12, Code 2009, is amended to read as
4 2 follows:

4 3 92.12 Migrant labor permits.

4 4 1. Every person, firm, or corporation employing migrant
4 5 laborers shall obtain and keep on file, accessible to any
4 6 officer charged with the enforcement of this chapter, a
4 7 ~~special~~ work permit, prior to the employment of such migratory
4 8 laborer.

4 9 2. ~~Special work~~ Work permits for migrant workers
4 10 shall be issued by the superintendent of schools, or the
4 11 superintendent's designee, nearest the temporary living
4 12 quarters of the family, ~~or by the county director of social~~
~~4 13 welfare~~ or by the department of workforce development, upon
4 14 application of the parent or head of the migrant family. The
4 15 person authorized to issue such permits for migratory workers
4 16 shall not issue such permit until the person has received,
4 17 examined, and approved ~~one of the following as evidence of~~
~~4 18 age: \$Ma birth certificate, passport, baptism certificate, or~~
~~4 19 school record~~ documentation of proof of age as described in
4 20 section 92.11. ~~Applicants under fourteen years of age must~~
~~4 21 obtain a certificate from a registered nurse or physician~~
~~4 22 stating that the applicant for the work permit has reached the~~
~~4 23 normal development of a child of the applicant's age and is in~~
~~4 24 sufficiently sound health and physically able to perform the~~
~~4 25 work for which the permit is sought.~~

4 26 3. One copy of the permit issued shall be given to the
4 27 employer to be kept on file for the length of employment and
4 28 upon termination of employment shall be returned to the labor
4 29 commissioner. One copy of the permit shall be kept by the
4 30 issuing officer, and one copy forwarded to the commissioner,
~~4 31 along with the certificate of fitness of the persons under~~
~~4 32 fourteen years of age.~~ The blank forms for the work permit for
4 33 migratory workers shall be formulated by the commissioner and
4 34 furnished by the commissioner to the issuing officer.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3057 continued

5 1 EXPLANATION
5 2 This bill affects certain employment practices and safety
5 3 programs administered by the division of labor services of the
5 4 department of workforce development.
5 5 The bill replaces obsolete language in Code section 88.5
5 6 pertaining to adoption of occupational safety and health
5 7 standards with contemporary rulemaking standards.
5 8 The requirement to make an annual report on remedial actions
5 9 taken pursuant to Code chapter 89A is moved from Code chapter
5 10 88 to Code chapter 91.
5 11 The bill strikes a provision in Code section 89.3 concerning
5 12 the conversion of power boilers to low pressure boilers, and
5 13 adopts two new provisions concerning the conversion of power
5 14 boilers to low pressure boilers in order to update standards.
5 15 The bill strikes a provision of Code section 89.4 concerning an
5 16 exemption from internal inspections for unfired steam pressure
5 17 vessels manufactured without an inspection plate, and adopts a
5 18 new provision exempting such vessels from internal inspections
5 19 if they are manufactured without an inspection opening in Code
5 20 section 89.3.
5 21 Code section 92.2(2) is stricken so that there is no longer
5 22 an exception from the labor permit requirement for youth under
5 23 16 who are engaged in street occupations.
5 24 Finally, the language in Code section 92.12 is updated and
5 25 amended to coordinate with Code section 92.11, making the
5 26 requirements for youth migrant labor permits more similar to
5 27 regular youth labor permits.

LSB 5428DP (6) 83

ak/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3058

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF WORKFORCE
DEVELOPMENT BILL)

A BILL FOR

1 An Act providing notification to the department of workforce
2 development by the secretary of state when certain business
3 entities apply for reinstatement after dissolution to ensure
4 certain tax obligations have been fulfilled.

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

TL5B 5429XD (5) 83

ak/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3058 continued

PAG LIN

1 1 Section 1. Section 489.706, subsection 2, Code 2009, is
1 2 amended to read as follows:

1 3 2. The secretary of state shall refer the federal tax
1 4 identification number contained in the application for
1 5 reinstatement to the ~~department~~ departments of revenue and
1 6 workforce development. The ~~department~~ departments of revenue
1 7 and workforce development shall report to the secretary of
1 8 state the tax status of the limited liability company. If
1 9 ~~the either~~ department reports to the secretary of state that
1 10 a filing delinquency or liability exists against the limited
1 11 liability company, the secretary of state shall not cancel the
1 12 declaration of dissolution until the filing delinquency or
1 13 liability is satisfied.

1 14 Sec. 2. Section 490.1422, subsection 2, paragraph a, Code
1 15 2009, is amended to read as follows:

1 16 a. The secretary of state shall refer the federal tax
1 17 identification number contained in the application for
1 18 reinstatement to the ~~department~~ departments of revenue
1 19 and workforce development. The ~~department~~ departments of
1 20 revenue and workforce development shall report to the
1 21 secretary of state the tax status of the corporation. If
1 22 ~~the either~~ department reports to the secretary of state that a
1 23 filing delinquency or liability exists against the corporation,
1 24 the secretary of state shall not cancel the certificate of
1 25 dissolution until the filing delinquency or liability is
1 26 satisfied.

1 27 Sec. 3. Section 490A.1322, subsection 2, paragraph a, Code
1 28 2009, is amended to read as follows:

1 29 a. The secretary of state shall refer the federal tax
1 30 identification number contained in the application for
1 31 reinstatement to the ~~department~~ departments of revenue and
1 32 workforce development. The ~~department~~ departments of revenue
1 33 and workforce development shall report to the secretary of
1 34 state the tax status of the limited liability company. If
1 35 ~~the either~~ department reports to the secretary of state that



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3058 continued

2 1 a filing delinquency or liability exists against the limited
2 2 liability company, the secretary of state shall not cancel the
2 3 certificate of dissolution until the filing delinquency or
2 4 liability is satisfied.

2 5 Sec. 4. Section 501.813, subsection 2, paragraph a, Code
2 6 2009, is amended to read as follows:

2 7 a. The secretary of state shall refer the federal tax
2 8 identification number contained in the application for
2 9 reinstatement to the ~~department~~ departments of revenue
2 10 and workforce development. The ~~department~~ departments of
2 11 revenue and workforce development shall report to the
2 12 secretary of state the tax status of the cooperative. If
2 13 ~~the either~~ department reports to the secretary of state that a
2 14 filing delinquency or liability exists against the cooperative,
2 15 the secretary of state shall not cancel the certificate of
2 16 dissolution until the filing delinquency or liability is
2 17 satisfied.

2 18 Sec. 5. Section 504.1423, subsection 2, paragraph a, Code
2 19 2009, is amended to read as follows:

2 20 a. The secretary of state shall refer the federal tax
2 21 identification number contained in the application for
2 22 reinstatement to the ~~department~~ departments of revenue
2 23 and workforce development. The ~~department~~ departments of
2 24 revenue and workforce development shall report to the
2 25 secretary of state the tax status of the corporation. If
2 26 ~~the either~~ department reports to the secretary of state that a
2 27 filing delinquency or liability exists against the corporation,
2 28 the secretary of state shall not cancel the certificate of
2 29 dissolution until the filing delinquency or liability is
2 30 satisfied.

2 31 EXPLANATION

2 32 This bill directs the secretary of state to notify the
2 33 department of workforce development when a limited liability
2 34 company, corporation, cooperative, or nonprofit corporation
2 35 applies for reinstatement after a dissolution. The department



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3058 continued

3 1 must report the tax status to the secretary of state, including
3 2 any filing delinquencies or liabilities, which would include
3 3 unpaid unemployment insurance tax. Any filing delinquencies or
3 4 liabilities would prevent the secretary of state from canceling
3 5 the business entity's certificate of dissolution until the
3 6 matter is resolved.

LSB 5429XD (5) 83

ak/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3059

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF WORKFORCE
DEVELOPMENT BILL)

A BILL FOR

1 An Act relating to unemployment insurance benefits for spouses
2 who leave employment to accompany a spouse on a military
3 assignment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5441XD (6) 83
ak/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3059 continued

PAG LIN

1 1 Section 1. Section 96.5, subsection 1, Code 2009, is amended
1 2 by adding the following new paragraph:
1 3 NEW PARAGRAPH. b. The individual's leaving was caused by
1 4 the relocation of the individual's spouse by the military. The
1 5 employer's account shall not be charged for any benefits paid
1 6 to an individual who leaves due to the relocation of a military
1 7 spouse. Relief of charges under this paragraph applies to
1 8 both contributory and reimbursable employers, notwithstanding
1 9 section 96.8, subsection 5.

1 10 EXPLANATION

1 11 This bill allows unemployment insurance benefits for an
1 12 individual who left employment because of the relocation of the
1 13 individual's spouse due to a military assignment in another
1 14 area.

1 15 An individual's employer shall not be charged for any
1 16 benefits paid under this exception. Relief of charges
1 17 applies to both contributory and reimbursable employers,
1 18 notwithstanding Code section 96.8(5).

LSB 5441XD (6) 83

ak/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3060

SENATE FILE

BY (PROPOSED COMMITTEE ON EDUCATION
BILL BY CHAIRPERSON SCHMITZ)

A BILL FOR

1 An Act relating to the school budget review committee by
2 modifying its membership and by modifying the committee's
3 duties related to school district unusual financial
4 circumstances.

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

TLSB 5835XC (3) 83

ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3060 continued

PAG LIN

1 1 Section 1. Section 257.2, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 13. "Unexpended fund balance" means a
1 4 school district's fund balance in the general fund not expended
1 5 during the budget year, as such unexpended fund balance is
1 6 reported on the certified annual report pursuant to section
1 7 291.10.

1 8 Sec. 2. Section 257.30, subsection 1, Code Supplement 2009,
1 9 is amended to read as follows:

1 10 1. A school budget review committee is established in
1 11 the department of education and consists of the director
1 12 of the department of education in an ex officio, nonvoting
1 13 capacity, the director of the department of management, and
1 14 ~~three~~ four members who are knowledgeable in the areas of
1 15 Iowa school finance or public finance issues appointed by
1 16 the governor to represent the public. At least one of the
1 17 public members shall possess a master's or doctoral degree in
1 18 which areas of school finance, economics, or statistics are
1 19 an integral component, or shall have equivalent experience in
1 20 an executive administrative or senior research position in
1 21 the education or public administration field. The members
1 22 appointed by the governor shall serve staggered three-year
1 23 terms beginning and ending as provided in section 69.19 and are
1 24 subject to senate confirmation as provided in section 2.32.
1 25 The committee shall meet and hold hearings each year and shall
1 26 continue in session until it has reviewed budgets of school
1 27 districts, as provided in section 257.31. The committee may
1 28 call in school board members and employees as necessary for
1 29 the hearings. The committee's scheduled hearing agendas and
1 30 the minutes of such hearings shall be posted on the department
1 31 of education's internet ~~website~~ site. Legislators shall be
1 32 notified of hearings concerning school districts in their
1 33 legislative districts.

1 34 Sec. 3. Section 257.31, subsection 5, unnumbered paragraph
1 35 1, Code Supplement 2009, is amended to read as follows:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3060 continued

2 1 If a district has unusual circumstances, creating an unusual
2 2 need for additional funds, including but not limited to the
2 3 ~~following~~ circumstances enumerated in paragraphs "a" through
2 4 "n", the committee may grant supplemental aid to the district
2 5 from any funds appropriated to the department of education
2 6 for the use of the school budget review committee for the
2 7 purposes of this subsection, ~~and such~~. The school budget
2 8 review committee shall review a school district's unexpended
2 9 fund balance prior to any decision regarding unusual finance
2 10 circumstances. Such aid shall be miscellaneous income and
2 11 shall not be included in district cost, ~~or~~. In addition
2 12 to or as an alternative to granting supplemental aid the
2 13 committee may establish a modified allowable growth for the
2 14 district by increasing its allowable growth, ~~or both~~. The
2 15 school budget review committee shall review a school district's
2 16 unspent balance prior to any decision to increase modified
2 17 allowable growth under this subsection.

2 18 Sec. 4. Section 257.31, subsection 7, paragraph a,
2 19 unnumbered paragraph 1, Code Supplement 2009, is amended to
2 20 read as follows:

2 21 The committee may authorize a district to spend a reasonable
2 22 and specified amount from its unexpended ~~cash~~ fund balance for
2 23 the following purposes:

2 24 Sec. 5. Section 257.31, subsection 7, paragraph b, Code
2 25 Supplement 2009, is amended to read as follows:

2 26 b. Other expenditures, including but not limited to
2 27 expenditures for salaries or recurring costs, are not
2 28 authorized under this subsection. Expenditures authorized
2 29 under this subsection shall not be included in allowable
2 30 growth or district cost, and the portion of the unexpended
2 31 ~~cash~~ fund balance which is authorized to be spent shall be
2 32 regarded as if it were miscellaneous income. Any part of
2 33 the amount not actually spent for the authorized purpose
2 34 shall revert to its former status as part of the unexpended
2 35 ~~cash~~ fund balance.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3060 continued

3 1 Sec. 6. Section 257.31, subsection 14, paragraph b,
3 2 subparagraph (3), Code Supplement 2009, is amended to read as
3 3 follows:

3 4 (3) A school district is only eligible to receive
3 5 supplemental aid payments during the budget year if the school
3 6 district certifies to the school budget review committee
3 7 that for the year following the budget year it will notify
3 8 the school budget review committee to instruct the director
3 9 of the department of management to increase the district's
3 10 allowable growth and will fund the allowable growth increase
3 11 either by using moneys from its unexpended ~~cash~~ fund balance
3 12 to reduce the district's property tax levy or by using cash
3 13 reserve moneys to equal the amount of the deficit that would
3 14 have been property taxes and any part of the state aid portion
3 15 of the deficit not received as supplemental aid under this
3 16 subsection. The director of the department of management shall
3 17 make the necessary adjustments to the school district's budget
3 18 to provide the modified allowable growth and shall make the
3 19 supplemental aid payments.

3 20 Sec. 7. Section 298.10, Code Supplement 2009, is amended by
3 21 adding the following new subsection:

3 22 NEW SUBSECTION. 1A. For fiscal years beginning on or after
3 23 July 1, 2010, a school district's unexpended fund balance, as
3 24 defined in section 257.2, shall not be an excessive amount
3 25 as determined by the school budget review committee. If
3 26 the school budget review committee determines that a school
3 27 district's unexpended fund balance is an amount in excess
3 28 of the amount necessary for operations, the school budget
3 29 review committee shall direct the school district to use the
3 30 unexpended fund balance in lieu of levying additional property
3 31 taxes.

3 32 Sec. 8. Section 298.10, subsection 2, Code Supplement 2009,
3 33 is amended to read as follows:

3 34 2. For fiscal years beginning on or after July 1, 2012, the
3 35 cash reserve levy for a budget year shall not exceed twenty



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3060 continued

4 1 percent of the general fund expenditures for the year previous
4 2 to the base year minus the ~~general fund~~ unexpended fund
4 3 balance, as defined in section 257.2, for the year previous to
4 4 the base year.

4 5 EXPLANATION

4 6 This bill may require that a school district spend down its
4 7 unexpended fund balance to a level determined by the school
4 8 budget review committee before levying additional property
4 9 taxes to raise funds.

4 10 The bill defines "unexpended fund balance" in Code section
4 11 257.2. References to "unexpended cash balance" are changed to
4 12 "unexpended fund balance" in Code chapter 257.

4 13 The number of members on the school budget review committee
4 14 (SBRC) who are knowledgeable in the areas of Iowa school
4 15 finance or public finance issues is increased from three to
4 16 four and the director of the department of education is made an
4 17 ex officio, nonvoting member in Code section 257.30.

4 18 The bill amends Code sections 257.31 and 298.10 to provide
4 19 that the SBRC shall review a school district's unexpended fund
4 20 balance upon a school district's request for supplemental
4 21 aid due to an unusual financial circumstance. If the SBRC
4 22 determines the school district's unexpended fund balance is
4 23 excessive, the school district may be required to use those
4 24 funds prior to levying additional property taxes. The bill
4 25 provides that the SBRC shall also review a school district's
4 26 unspent balance before increasing its modified allowable
4 27 growth.

LSB 5835XC (3) 83

ak/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3061

SENATE FILE

BY (PROPOSED COMMITTEE ON ENVIRONMENT
AND ENERGY INDEPENDENCE BILL BY
CHAIRPERSON BLACK)

A BILL FOR

1 An Act relating to beautification grants to be awarded from the
2 solid waste account of the groundwater protection fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5493SC (4) 83
tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3061 continued

PAG LIN

1 1 Section 1. Section 455E.11, subsection 2, paragraph a,
1 2 subparagraph (1), Code Supplement 2009, is amended by adding
1 3 the following new subparagraph division:
1 4 NEW SUBPARAGRAPH DIVISION. (Oa) (i) Not more than four
1 5 hundred thousand dollars to the department for purposes of
1 6 awarding a beautification grant each year to one organization
1 7 that does all of the following:
1 8 (A) Assists communities and organizations in cleanup and
1 9 beautification projects.
1 10 (B) Conducts research to assist in the understanding of
1 11 reasons for littering and illegal dumping.
1 12 (C) Administers antilittering and beautification education
1 13 programs.
1 14 (D) Increases public awareness of the costs of littering.
1 15 (ii) The grant recipient shall do all of the following:
1 16 (A) Expend not more than one hundred thousand dollars for a
1 17 public education and awareness initiative designed to reduce
1 18 litter and illegal dumping.
1 19 (B) Expend not more than one hundred thousand dollars for
1 20 all of the following:
1 21 (I) An educational initiative designed to discourage
1 22 littering and illegal dumping for persons attending school in
1 23 kindergarten through grade twelve.
1 24 (II) A litter-free schools initiative.
1 25 (III) A neighborhood beautification initiative.
1 26 (C) Expend not more than one hundred thousand dollars for an
1 27 illegal dumping surveillance program.
1 28 (D) Expend not more than one hundred thousand dollars for
1 29 a community partnership program designed to support community
1 30 beautification projects.
1 31 (iii) As a condition of the grant award each year, the
1 32 department shall require the grant recipient to submit a
1 33 written report to the department by the end of the fiscal year
1 34 for which the grant is awarded. In addition to any other
1 35 information required by the department, the report shall



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3061 continued

2 1 include information detailing the expenditure of all moneys
2 2 received by the organization and the results achieved through
2 3 the expenditure of the money.

2 4 EXPLANATION

2 5 This bill relates to beautification grants.

2 6 The bill annually allocates \$400,000 from the solid waste
2 7 account of the groundwater protection fund to the department
2 8 of natural resources for purposes of a beautification grant to
2 9 be awarded to one organization.

2 10 The bill provides criteria for determining the grant
2 11 recipient.

2 12 The bill requires the grant recipient to use grant moneys
2 13 for a public education and awareness initiative designed to
2 14 reduce litter and illegal dumping, an educational initiative
2 15 designed to discourage littering and illegal dumping for
2 16 persons attending school in kindergarten through grade 12, a
2 17 litter-free schools initiative, a neighborhood beautification
2 18 initiative, an illegal dumping surveillance program, and a
2 19 community partnership program designed to support community
2 20 beautification projects.

2 21 The bill includes a reporting requirement for grant
2 22 recipients.

LSB 5493SC (4) 83

tm/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3062

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF ECONOMIC
DEVELOPMENT BILL)

A BILL FOR

1 An Act relating to economic development including changes
2 to the administration of certain economic development
3 programs and to the terms served by members of the economic
4 development board and including effective date provisions.

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

TL5B 5159DP (11) 83

tw/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3062 continued

2 1 hundred dollars for any single internship, or nine thousand
2 2 three hundred dollars for any single employer. In order to be
2 3 eligible to receive financial assistance under this subsection,
2 4 the employer must have five hundred or fewer employees and
2 5 must be engaged in a targeted industry. The department shall
2 6 encourage youth who reside in economically distressed areas,
2 7 youth adjudicated to have committed a delinquent act, and youth
2 8 transitioning out of foster care to participate in the targeted
2 9 industries internship program.

2 10 Sec. 3. Section 15G.111, subsection 5, paragraph c, Code
2 11 Supplement 2009, is amended to read as follows:

2 12 c. The state board of regents shall annually prepare a
2 13 report for submission to the governor, the general assembly,
2 14 the department, and the legislative services agency regarding
2 15 the activities, projects, and programs funded with moneys
2 16 allocated under this subsection. The report shall be provided
2 17 in an electronic format and shall include a list of metrics and
2 18 criteria mutually agreed to in advance by the board of regents
2 19 and the department. The metrics and criteria shall allow the
2 20 governor's office, the general assembly, and the department
2 21 to quantify and evaluate the progress of the board of regents
2 22 institutions with regard to their activities, projects,
2 23 and programs in the areas of technology commercialization,
2 24 entrepreneurship, regional development, and market research.

2 25 Sec. 4. EFFECTIVE UPON ENACTMENT. The following provision
2 26 of this division of this Act, being deemed of immediate
2 27 importance, takes effect upon enactment:

2 28 1. Section 1 of this Act amending section 15.335A.

2 29 DIVISION II

2 30 ECONOMIC DEVELOPMENT BOARD

2 31 Sec. 5. Section 15.103, subsection 1, paragraph a, Code
2 32 Supplement 2009, is amended to read as follows:

2 33 a. The Iowa economic development board is created,
2 34 consisting of fifteen voting members appointed by the governor
2 35 and seven ex officio, nonvoting members. The ex officio,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3062 continued

3 1 nonvoting members are four legislative members; one president,
3 2 or the president's designee, of the university of northern
3 3 Iowa, the university of Iowa, or Iowa state university of
3 4 science and technology designated by the state board of regents
3 5 on a rotating basis; and one president, or the president's
3 6 designee, of a private college or university appointed by the
3 7 Iowa association of independent colleges and universities;
3 8 and one superintendent, or the superintendent's designee, of
3 9 a community college, appointed by the Iowa association of
3 10 community college presidents. The legislative members are two
3 11 state senators, one appointed by the president of the senate
3 12 after consultation with the majority leader of the senate,
3 13 and one appointed by the minority leader of the senate from
3 14 their respective parties; and two state representatives, one
3 15 appointed by the speaker and one appointed by the minority
3 16 leader of the house of representatives from their respective
3 17 parties. Not more than eight of the voting members shall
3 18 be from the same political party. Beginning with the first
3 19 appointment to the board made after July 1, 2005, at least one
3 20 voting member shall have been less than thirty years of age
3 21 at the time of appointment. The governor shall appoint the
3 22 voting members of the board ~~for a term~~ to staggered terms of
3 23 four years beginning and ending as provided by section 69.19,
3 24 subject to confirmation by the senate, and the governor's
3 25 appointments shall include persons knowledgeable of the various
3 26 elements of the department's responsibilities.
3 27 Sec. 6. ECONOMIC DEVELOPMENT BOARD MEMBER TERMS.
3 28 Notwithstanding the four-year term required by section 15.103
3 29 for members of the economic development board, and in order to
3 30 ensure that members of the board serve staggered terms, of the
3 31 fifteen members initially appointed after the effective date of
3 32 this Act, the governor shall appoint seven members to terms of
3 33 two years and eight members to terms of four years.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3062 continued

4 1 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
4 2 Act, being deemed of immediate importance, takes effect upon
4 3 enactment.

4 4 EXPLANATION

4 5 This bill makes miscellaneous changes to certain economic
4 6 development programs and staggers the terms served by members
4 7 of the economic development board.

4 8 Currently, the tax incentives for the high quality jobs
4 9 program do not allow incentives for a business creating 31 or
4 10 more jobs unless that business invests \$10 million or more.
4 11 The bill adjusts the program's incentive schedule to allow
4 12 incentives to be provided to businesses investing less than \$10
4 13 million provided they create at least 16 jobs.

4 14 The department of economic development currently operates a
4 15 targeted industries internship program for students attending
4 16 an institution of higher learning in Iowa. The bill allows
4 17 students who graduated from an Iowa high school, but now
4 18 attend an institution of higher learning in another state, to
4 19 participate in the program.

4 20 Currently, the board of regents must prepare an annual
4 21 report for the governor, the general assembly, the department,
4 22 and the legislative services agency regarding the activities,
4 23 projects, and programs funded with the \$5 million received
4 24 by the regents as part of the annual grow Iowa values
4 25 appropriation. The bill directs the board of regents and the
4 26 department to mutually agree on certain metrics and criteria
4 27 for evaluating the success of the activities, projects, and
4 28 programs funded with those moneys, particularly as they relate
4 29 to the areas of technology commercialization, entrepreneurship,
4 30 regional development, and market research.

4 31 Currently, the economic development board's 15 members
4 32 appointed by the governor all serve four-year terms that expire
4 33 on the same date. The bill provides for the staggering of
4 34 these terms, and, since the terms of the current board members
4 35 expire on April 30, 2010, the bill takes effect upon enactment.

LSB 5159DP (11) 83

tw/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3063

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF CULTURAL
AFFAIRS BILL)

A BILL FOR

- 1 An Act concerning fine arts projects in state buildings.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5418DP (4) 83
ec/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3063 continued

PAG LIN

1 1 Section 1. Section 304A.10, Code 2009, is amended to read
1 2 as follows:
1 3 304A.10 Cost of fine arts == percentage.
1 4 The total estimated cost of the fine arts elements included
1 5 in a plan and specifications for a state building or group
1 6 of state buildings in accordance with the purposes of this
1 7 division shall in no case be less than one-half of one percent
1 8 of the total estimated cost of such building or group of
1 9 buildings. This percentage allocation shall not be diminished
1 10 by professional fees. By September 1 annually, the contracting
1 11 officer or principal user shall submit to the department of
1 12 cultural affairs the total amount of state financial assistance
1 13 expended in accordance with this section during the previous
1 14 fiscal year. If deemed in the best interests of the citizens,
1 15 funds allocated for the acquisition of fine arts may be
1 16 accumulated over more than one appropriation or fiscal period
1 17 or combined to complete significant projects, ~~however, this~~
~~1 18 sentence does not authorize interproject transfers. The~~
~~1 19 total estimated cost of the fine arts elements included in~~
~~1 20 a plan and specifications for a state building or group of~~
~~1 21 state buildings in accordance with this section shall be~~
~~1 22 included by the department of cultural affairs in calculating~~
~~1 23 the amount of state financial assistance for the arts for~~
~~1 24 purposes of national ranking surveys.~~ By January 1 annually,
1 25 the department of cultural affairs shall submit a summary of
1 26 the total amount of state financial assistance expended in
1 27 accordance with this section and for which state buildings the
1 28 assistance was expended.
1 29 Sec. 2. Section 304A.12, Code 2009, is amended to read as
1 30 follows:
1 31 304A.12 Separate contract.
1 32 Contracts for the fine arts elements shall be executed
1 33 within the limits of the actual costs as determined by section
1 34 304A.10. Funds shall be transferred to the arts division for
1 35 administration of the program. All expenses related to the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3063 continued

2 1 acquisition of the fine arts elements shall be contracted for
2 2 separately by the ~~arts division~~ contracting agency or principal
2 3 user with the funds allocated for these purposes.

2 4 EXPLANATION

2 5 This bill concerns fine arts projects in state buildings.
2 6 Code section 304A.10, concerning fine arts costs, is amended
2 7 to allow interproject transfers of moneys allocated for fine
2 8 arts projects and to eliminate the requirement that the arts
2 9 division of the department of cultural affairs use a certain
2 10 method of calculating the amount of state financial assistance
2 11 for the arts for purposes of national ranking surveys.

2 12 Code section 304A.12 is amended to provide that the
2 13 contracting agency or principal user, and not the arts
2 14 division, is required to separately contract for expenses
2 15 related to the acquisition of fine arts elements.

LSB 5418DP (4) 83
ec/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3064

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF ECONOMIC
DEVELOPMENT BILL)

A BILL FOR

1 An Act establishing an Iowa innovation council in the
2 department of economic development.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5162DP (8) 83
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3064 continued

PAG LIN

1 1 Section 1. Section 15.102, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 6A. "Targeted industries" means the same as
1 4 defined in section 15.411, subsection 1.
1 5 Sec. 2. Section 15.117, Code 2009, is amended to read as
1 6 follows:
1 7 15.117 Chief technology officer.
1 8 The governor shall appoint a chief technology officer
1 9 for the state. The chief technology officer shall serve
1 10 a ~~four-year~~ two-year term and shall have national or
1 11 international stature as a senior executive at a technology
1 12 business in one of the targeted industries. ~~The chief~~
~~1 13 technology officer shall coordinate the activities of the~~
~~1 14 technology commercialization specialist employed pursuant to~~
~~1 15 section 15.115. The chief technology officer shall serve as~~
~~1 16 a spokesperson for the department for purposes of promoting~~
~~1 17 to private sector businesses the technology commercialization~~
~~1 18 efforts of the department and the research and technology~~
~~1 19 capabilities of institutions of higher learning in the state.~~
1 20 Sec. 3. NEW SECTION. 15.117A Iowa innovation council.
1 21 1. An Iowa innovation council is established within the
1 22 department. The department shall provide the council with
1 23 staff and administrative support. The department may expend
1 24 moneys allocated to the innovation and commercialization
1 25 division in order to provide such support. The department may
1 26 adopt rules for the implementation of this section.
1 27 2. The council shall consist of the following members:
1 28 a. Twenty-seven voting members as follows:
1 29 (1) Twenty members selected by the board to serve staggered,
1 30 two-year terms beginning and ending as provided in section
1 31 69.19. Of the members selected by the board, seven shall be
1 32 representatives from businesses in the targeted industries
1 33 and thirteen shall be individuals who serve on the technology
1 34 commercialization committee created in section 15.116, or
1 35 other committees of the board, and who have expertise with the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3064 continued

2 1 targeted industries. At least ten of the members selected
2 2 pursuant to this subparagraph shall be executives actively
2 3 engaged in the management of a business in a targeted industry.
2 4 The members selected pursuant to this paragraph shall reflect
2 5 the size and diversity of businesses in the targeted industries
2 6 and of the various geographic areas of the state.
2 7 (2) One member, selected by the governor, who also serves on
2 8 the Iowa capital investment board created in section 15E.63.
2 9 (3) The director of the department, or the director's
2 10 designee.
2 11 (4) The chief technology officer appointed pursuant to
2 12 section 15.117.
2 13 (5) The person designated as the chief information officer
2 14 pursuant to section 8A.104, subsection 12, or, if no person
2 15 has been so designated, the director of the department of
2 16 administrative services, or the director's designee.
2 17 (6) The president of the state university of Iowa, or the
2 18 president's designee.
2 19 (7) The president of Iowa state university of science and
2 20 technology, or the president's designee.
2 21 (8) The president of the university of northern Iowa, or the
2 22 president's designee.
2 23 b. Four members of the general assembly serving two-year
2 24 terms in a nonvoting, ex officio capacity, with two from the
2 25 senate and two from the house of representatives and not more
2 26 than one member from each chamber being from the same political
2 27 party. The two senators shall be designated one member each
2 28 by the president of the senate after consultation with the
2 29 majority leader of the senate, and by the minority leader of
2 30 the senate. The two representatives shall be designated one
2 31 member each by the speaker of the house of representatives
2 32 after consultation with the majority leader of the house of
2 33 representatives, and by the minority leader of the house of
2 34 representatives.
2 35 3. To be eligible to serve as a designee pursuant to



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3064 continued

3 1 subsection 2, a person must have sufficient authority to make
3 2 decisions on behalf of the organization being represented.
3 3 A person named as a designee pursuant to subsection 2 shall
3 4 not name a designee nor permit a substitute to attend council
3 5 meetings.

3 6 4. The chief technology officer appointed pursuant to
3 7 section 15.117 shall be the chairperson of the council and
3 8 shall be responsible for convening meetings of the council and
3 9 coordinating its activities and shall convene the council at
3 10 least annually. The council shall annually elect one of the
3 11 voting members to serve as vice chairperson. A majority of
3 12 the members of the council constitutes a quorum. However,
3 13 the chief technology officer shall not convene a meeting of
3 14 the council unless the director of the department, or the
3 15 director's designee, is present at the meeting.

3 16 5. The council is not subject to the provisions of sections
3 17 69.16 and 69.16A.

3 18 6. The purpose of the council is to advise the department
3 19 on the development and implementation of public policies
3 20 that enhance innovation and entrepreneurship in the targeted
3 21 industries, with a particular focus on the information,
3 22 technology, and skills that increasingly dominate the
3 23 twenty-first century economy. Such advice may include
3 24 evaluating Iowa's competitive position in the global economy,
3 25 reviewing the technology typically utilized in the state's
3 26 manufacturing sector, assessing the state's overall scientific
3 27 research capacity, keeping abreast of the latest scientific
3 28 research and technological breakthroughs and offering guidance
3 29 as to their impact on public policy, recommending strategies
3 30 that foster innovation, increase new business formation, and
3 31 otherwise promote economic growth in the targeted industries,
3 32 and offering guidance about future developments in the targeted
3 33 industries.

3 34 7. The council shall do all of the following:

3 35 a. Create a comprehensive strategic plan for implementing



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3064 continued

4 1 specific policies that further the purpose of the council as
4 2 described in subsection 6.
4 3 b. Review annually all the economic development programs
4 4 administered by the department and the board that relate to the
4 5 targeted industries and make recommendations for adjustments
4 6 that enhance efficiency and effectiveness. In reviewing the
4 7 programs, the council shall, to the greatest extent possible,
4 8 utilize economic development data and research in order to make
4 9 objective, fact-based recommendations.
4 10 c. Act as a forum where issues affecting the research
4 11 community, the targeted industries, and policymakers can be
4 12 discussed and addressed and where collaborative relationships
4 13 can be formed.
4 14 d. Coordinate state government applications for federal
4 15 funds relating to research and economic development affecting
4 16 the targeted industries.
4 17 e. Conduct industry research and draft documents that
4 18 provide background information for use in decision making by
4 19 the general assembly, the governor, the department, and other
4 20 policymaking bodies within state government.

4 21 EXPLANATION

4 22 This bill establishes an Iowa innovation council within the
4 23 department of economic development.
4 24 The bill amends the term and duties of the chief technology
4 25 officer appointed pursuant to Code section 15.117 and provides
4 26 that the chief technology officer is the chairperson of the
4 27 council.
4 28 The council consists of 27 voting members. Twenty of the
4 29 members are selected by the economic development board to
4 30 serve staggered two-year terms. Of the members selected by
4 31 the board, seven are representatives from businesses in the
4 32 targeted industries and 13 are individuals who also serve on
4 33 the technology commercialization committee created in Code
4 34 section 15.116, or other committees of the board, and who
4 35 have expertise with the targeted industries. At least 10 of



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3064 continued

5 1 the members selected by the board must be executives actively
5 2 engaged in the management of a business in a targeted industry.
5 3 The remaining seven members consist of the following:one
5 4 member, selected by the governor, who also serves on the Iowa
5 5 capital investment board, the director of the department, or
5 6 the director's designee, the chief technology officer, the
5 7 chief information officer from the department of administrative
5 8 services, and the presidents of the regents universities or
5 9 their designees.

5 10 There are four legislative members serving on the council
5 11 in a nonvoting, ex officio capacity:two from the senate and
5 12 two from the house of representatives. These four members are
5 13 appointed by majority and minority leadership and there may
5 14 not be more than one member from each chamber from the same
5 15 political party.

5 16 The chief technology officer is responsible for convening
5 17 meetings of the council and coordinating its activities. The
5 18 council must annually elect one of the voting members to serve
5 19 as vice chairperson. The chief technology officer cannot
5 20 convene a meeting of the council unless the director of the
5 21 department, or the director's designee, is present at the
5 22 meeting.

5 23 The purpose of the council is to advise the department on the
5 24 development and implementation of public policies that enhance
5 25 innovation and entrepreneurship in the targeted industries,
5 26 with a particular focus on the information, technology, and
5 27 skills that increasingly dominate the twenty-first century
5 28 economy.

5 29 The bill provides that the council is not subject to the
5 30 political affiliation and gender balance requirements of Code
5 31 sections 69.16 and 69.16A.

5 32 The bill provides that the council must:create a
5 33 comprehensive strategic plan for implementing specific policies
5 34 that further the purpose of the council; review annually
5 35 all the economic development programs administered by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3064 continued

6 1 department and the board that relate to the targeted industries
6 2 and make recommendations for adjustments that enhance
6 3 efficiency and effectiveness; act as a forum where issues
6 4 affecting the research community, the targeted industries,
6 5 and policymakers can be discussed and addressed and where
6 6 collaborative relationships can be formed; coordinate state
6 7 government applications for federal funds relating to research
6 8 and economic development affecting the targeted industries;
6 9 conduct industry research and draft documents that provide
6 10 background information for use by the general assembly, the
6 11 governor, the department, and other policymaking bodies within
6 12 state government.

LSB 5162DP (8) 83

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Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3065

SENATE FILE

BY (PROPOSED COMMITTEE ON ECONOMIC
GROWTH BILL BY CHAIRPERSON
STEWART)

A BILL FOR

1 An Act reducing the amount of tax credits that may be issued
2 for capital investment in the Iowa fund of funds.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5144XC (9) 83
tw/sc



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010

Senate Study Bill 3065 continued

PAG LIN

1 1 Section 1. Section 15E.66, subsections 1 and 7, Code 2009,
1 2 are amended to read as follows:

1 3 1. The board may issue certificates and related tax
1 4 credits to designated investors which, if redeemed for the
1 5 maximum possible amount, shall not exceed a total aggregate
1 6 of ~~one hundred~~ forty million dollars of tax credits. The
1 7 certificates shall be issued contemporaneously with a
1 8 commitment to invest in the Iowa fund of funds by a designated
1 9 investor. A certificate issued by the board shall have a
1 10 specific maturity date or dates designated by the board and
1 11 shall be redeemable only in accordance with the contingencies
1 12 reflected on the certificate or incorporated therein by
1 13 reference. A certificate and the related tax credit shall be
1 14 transferable by the designated investor. A tax credit shall
1 15 not be claimed or redeemed except by a designated investor or
1 16 transferee in accordance with the terms of a certificate from
1 17 the board. A tax credit shall not be claimed for a tax year
1 18 that begins earlier than the maturity date or dates stated
1 19 on the certificate. An individual may claim the credit of a
1 20 partnership, limited liability company, S corporation, estate,
1 21 or trust electing to have the income taxed directly to the
1 22 individual. The amount claimed by the individual shall be
1 23 based upon the pro rata share of the individual's earnings from
1 24 the partnership, limited liability company, S corporation,
1 25 estate, or trust. Any tax credit in excess of the taxpayer's
1 26 tax liability for the tax year may be credited to the tax
1 27 liability for the following seven years, or until depleted,
1 28 whichever is earlier.

1 29 7. In determining the ~~one hundred million dollar~~ maximum
1 30 aggregate limit in subsection 1 and the ~~twenty million~~
1 31 ~~dollar~~ fiscal year limitation in subsection 5, the board shall
1 32 use the cumulative amount of scheduled aggregate returns on
1 33 certificates issued by the board to designated investors.
1 34 However, certificates and related tax credits which have
1 35 expired shall not be included and certificates and related tax



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2010**

Senate Study Bill 3065 continued

2 1 credits which have been redeemed shall be included only to the
2 2 extent of tax credits actually allowed.

2 3 EXPLANATION

2 4 This bill reduces the maximum aggregate amount of tax
2 5 credits that may be issued under the Iowa fund of funds.

2 6 Currently, the total amount of tax credits that may be
2 7 issued under the Iowa fund of funds program is limited to \$100
2 8 million. The bill reduces this amount to \$40 million.

LSB 5144XC (9) 83

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