



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 8009

PAG LIN

1 1 Amend House File 2030 as follows:
1 2 #1. Page 1, by striking lines 4 through 7
1 3 and inserting <school district's unreserved and
1 4 undesignated fund balances.>
1 5 #2. Page 3, by striking lines 23 through 31
1 6 and inserting <July 1, 2009, if the school budget
1 7 review committee determines that a school district's
1 8 unexpended fund balance is in excess of the amount
1 9 necessary for operations, the school budget review
1 10 committee shall direct the school district to use the
1 11 unexpended fund balance in lieu of levying property
1 12 taxes and shall direct the department of management to
1 13 do one of the following:
1 14 a. For the fiscal period beginning July 1, 2009,
1 15 and ending June 30, 2012, limit the school district's
1 16 cash reserve levy to a level that is not excessive as
1 17 determined by the school budget review committee.
1 18 b. For fiscal years beginning on or after July 1,
1 19 2012, limit the school district's cash reserve levy
1 20 to a level that is not excessive as determined by the
1 21 school budget review committee and does not exceed the
1 22 cash reserve limitation in subsection 2. >
1 23 #3. Page 4, after line 4 by inserting: Sec. ____.
1 24 EMERGENCY RULES. The department of
1 25 education may adopt emergency rules under section
1 26 17A.4, subsection 3, and section 17A.5, subsection 2,
1 27 paragraph "b", to implement the provisions of this
1 28 Act, and the rules shall be effective immediately upon
1 29 filing unless a later date is specified in the rules.
1 30 Any rules adopted in accordance with this section shall
1 31 also be published as a notice of intended action as
1 32 provided in section 17A.4. Sec. ____.
1 33 EFFECTIVE UPON ENACTMENT. This Act,
1 34 being deemed of immediate importance, takes effect upon
1 35 enactment. >
1 36 #4. Title page, line 4, after <circumstances> by
1 37 inserting <and including effective date provisions>

WENDT of Woodbury

DOLECHECK of Ringgold

RAECKER of Polk
LSB 5835HV.53 (2) 83
ak/sc



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House Amendment 8010

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 14, after line 33 by inserting:
1 4 <Sec. ____ . CONDITIONAL REPEAL AND CODE EDITOR
1 5 NOTIFICATION. In the event that the state fails
1 6 to receive federal moneys allocated in the federal
1 7 American Recovery and Reinvestment Act of 2009, Pub.L.
1 8 No.111=5, for the federal race to the top competitive
1 9 grant administered by the United States department of
1 10 education, as determined by the director of the state
1 11 department of education, this Act is repealed and the
1 12 director of the state department of education shall
1 13 notify the Code editor of the denial of the state's
1 14 grant application. The Code editor may include any
1 15 necessary changes in the next Code editor's bill to
1 16 effect the repeal of this Act.>
1 17 #2. Title page, line 5, after <schools> by
1 18 inserting <, and providing for a conditional repeal>
1 19 #3. By renumbering as necessary.

MAY of Dickinson
LSB 5609HV.87 (4) 83
kh/rj



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House Amendment 8011

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 3, line 35, after <chapter.> by
1 4 inserting <Any plan which is a component of the
1 5 application the state board submits to the United
1 6 States department of education to compete for a grant
1 7 under the race to the top funds available pursuant
1 8 to the federal American Recovery and Reinvestment Act
1 9 of 2009, Pub.L.No.111?5, shall include parent and
1 10 guardian involvement measures in efforts to extend
1 11 state reforms by using college-ready and career-ready
1 12 standards and assessments, building a workforce of
1 13 highly effective educators, creating educational data
1 14 systems to support student achievement, and turning
1 15 around lowest-performing schools. The measures shall
1 16 be intended to do the following:
1 17 a. Ensure that communication between home and
1 18 school is regular, two-way, and meaningful.
1 19 b. Promote and support parenting skills.
1 20 c. Recognize and support the integral role parents
1 21 and guardians play in assisting student learning.
1 22 d. Welcome parents and guardians into the school
1 23 and seek their support and assistance.
1 24 e. Make parents and guardians partners in the
1 25 decisions that affect children and families.
1 26 f. Utilize community collaborations productively
1 27 and community resources prolifically to strengthen
1 28 schools, families, and student learning. >

CHAMBERS of O'Brien
LSB 5609HV.86 (3) 83
kh/rj



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House Amendment 8012

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 3, by striking <a. >
1 4 #2. By striking page 1, line 11, through page 2,
1 5 line 4.

KOESTER of Polk
LSB 5609HV.85 (3) 83
kh/rj



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House Amendment 8013

PAG LIN

1 1 Amend House Concurrent Resolution 103 as follows:
1 2 #1. Page 1, line 3, after <changes> by
1 3 inserting <and voting>
1 4 #2. Page 1, after line 3 by inserting:
1 5 <BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
1 6 SENATE CONCURRING, That the Joint Rules of the Senate
1 7 and House of Representatives, as adopted by the Senate
1 8 and House of Representatives during the 2009 Session
1 9 in House Concurrent Resolution 3, are amended by adding
1 10 the following new rule:
1 11 NEW RULE.
1 12 Rule 4A
1 13 Voting
1 14 Voting in the senate and house of representatives
1 15 shall not occur between midnight and 8:00 a.m.on any
1 16 legislative day. >
1 17 #3. Page 1, line 4, after <IT> by
1 18 inserting <FURTHER>

COWNIE of Polk

RAECKER of Polk
LSB 5123HV.110 (3) 83
rj/nh



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House Amendment 8014

PAG LIN

1 1 Amend Senate File 2045, as passed by the Senate,
1 2 as follows:
1 3 #1. Page 1, by striking lines 1 through 8 and
1 4 inserting:
1 5 <Sec. ____ . Section 257.8, subsection 1, Code
1 6 Supplement 2009, is amended to read as follows:
1 7 1. State percent of growth. The state percent
1 8 of growth for the budget year beginning July 1,
1 9 2009, is four percent. The state percent of growth
1 10 for the budget year beginning July 1, 2010, is
1 11 two percent. The state percent of growth for ~~each~~
~~1 12 subsequent~~ a budget year shall be established by
1 13 statute which shall be enacted within thirty days of
1 14 the submission in ~~the year preceding~~ the base year
1 15 of the governor's budget under section 8.21. The
1 16 establishment of the state percent of growth for a
1 17 budget year shall be the only subject matter of the
1 18 bill which enacts the state percent of growth for a
1 19 budget year.>
1 20 #2. Title page, by striking lines 1 through 4
1 21 and inserting: <An Act modifying the deadline for
1 22 establishment of the state percent of growth for
1 23 purposes of the state school foundation program and
1 24 including effective date provisions.>

MAY of Dickinson

DOLECHECK of Ringgold
LSB 5722SV.96 (4) 83
ak/sc



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House Amendment 8015

PAG LIN

1 1 Amend Senate File 2046, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by striking lines 1 through 9 and
1 4 inserting:
1 5 <Section 1. Section 257.8, subsection 2, Code
1 6 Supplement 2009, is amended to read as follows:
1 7 2. Categorical state percent of growth. The
1 8 categorical state percent of growth for the budget
1 9 year beginning July 1, 2010, is two percent. The
1 10 categorical state percent of growth for ~~each~~ a budget
1 11 year shall be established by statute which shall
1 12 be enacted within thirty days of the submission in
1 13 ~~the year preceding~~ the base year of the governor's
1 14 budget under section 8.21. The establishment of the
1 15 categorical state percent of growth for a budget year
1 16 shall be the only subject matter of the bill which
1 17 enacts the categorical state percent of growth for a
1 18 budget year. The categorical state percent of growth
1 19 may include state percents of growth for the teacher
1 20 salary supplement, the professional development
1 21 supplement, and the early intervention supplement. >
1 22 #2. Title page, by striking lines 1 through 4
1 23 and inserting: <An Act modifying the deadline for
1 24 establishment of the categorical state percent of
1 25 growth for purposes of the state school foundation
1 26 program and including effective date provisions.>

MAY of Dickinson

DOLECHECK of Ringgold
LSB 5282SV.95 (3) 83
ak/sc



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House Amendment 8016

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 14, after line 33 by inserting:
1 4 <Sec. _____. NEW SECTION. 256F.14 Frontier schools.
1 5 1. The board of directors of a school district, an
1 6 accredited nonpublic school, the board of directors of
1 7 a community college, the state board of regents, an
1 8 accredited private institution as defined in section
1 9 261.9, or a private nonprofit corporation organized
1 10 under chapter 504 may submit an application to the
1 11 state board to establish a frontier school. The state
1 12 board shall adopt rules specifying the criteria for
1 13 approval of frontier schools. The department shall
1 14 develop an application process. The applicant shall
1 15 specify in its application all of the following:
1 16 a. Mission and instructional focus of the school.
1 17 b. Organizational structure and management of the
1 18 school.
1 19 c. Impact of labor agreements and contracts on the
1 20 success of the school.
1 21 d. Roles and responsibilities of all involved
1 22 constituencies.
1 23 e. Arrangements for special needs students.
1 24 f. Connection of the school to the school district.
1 25 g. Facility and operation costs.
1 26 h. Methods for measuring results, including but not
1 27 limited to student achievement results.
1 28 2. For purposes of this section, "frontier school"
1 29 means a school that is nonsectarian in its program,
1 30 admission policies, employment practices, and all
1 31 other operations. The school is a public school and is
1 32 part of the state's system of public education. The
1 33 primary focus of a frontier school shall be to provide
1 34 a comprehensive program of instruction for at least one
1 35 grade or age group from five through eighteen years
1 36 of age. Frontier schools may be designed to allow
1 37 significant autonomy to the schools. However, frontier
1 38 schools shall be accountable for significant results.
1 39 3. Except as provided in this subsection, frontier
1 40 schools are exempt from all statutes and rules
1 41 applicable to a school, a school board, or a school
1 42 district, although a frontier school may elect to
1 43 comply with one or more provisions of statute or rule.
1 44 However, a frontier school shall meet all applicable
1 45 state and local health and safety requirements; a
1 46 frontier school shall be organized and operated as a
1 47 nonprofit corporation under chapter 504; the provisions
1 48 of chapters 21 and 22 shall apply to meetings and
1 49 records of a frontier school board; and a frontier
1 50 school is subject to and shall comply with chapters



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House Amendment 8016 continued

2 1 216 and 216A relating to civil and human rights, and
2 2 sections 275.55A, 279.9A, 280.17B, 280.21B, and 282.4,
2 3 relating to suspension and expulsion of a student. The
2 4 frontier school shall employ or contract with necessary
2 5 teachers, as defined in section 272.1, who hold a valid
2 6 license with an endorsement for the type of service for
2 7 which the teacher is employed. Frontier schools are
2 8 subject to the same financial audits, audit procedures,
2 9 and audit requirements as a school district. The
2 10 audits shall be consistent with the requirements of
2 11 sections 11.6, 11.14, 11.19, 256.9, subsection 19,
2 12 and section 279.29, except to the extent deviations
2 13 are necessary because of the program at the school.
2 14 The department, auditor of state, or the legislative
2 15 services agency may conduct financial, program, or
2 16 compliance audits. The provisions of chapter 20 shall
2 17 not apply to the board of directors of a frontier
2 18 school or its employees.
2 19 4. A student enrolled in a frontier school shall
2 20 be counted, for state school foundation aid purposes,
2 21 in the student's district of residence. A student's
2 22 residence, for purposes of this section, means a
2 23 residence under section 282.1. The board of directors
2 24 of the district of residence shall pay to the frontier
2 25 school the state cost per pupil for the previous school
2 26 year, plus any moneys received for the student as a
2 27 result of the non-English speaking weighting under
2 28 section 280.4, subsection 3, for the previous school
2 29 year multiplied by the state cost per pupil for the
2 30 previous year. >
2 31 #2. Title page, line 2, after <schools,> by
2 32 inserting <the establishment of a frontier school,>
2 33 #3. By renumbering as necessary.

DOLECHECK of Ringgold
LSB 5609HV.116 (4) 83
kh/rj



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House Amendment 8017

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 14, after line 33 by inserting:
1 4 <Sec. ____ . FEDERAL RACE TO THE TOP GRANT FUNDS ==
1 5 COLLECTIVE BARGAINING RESTRICTION. Notwithstanding
1 6 chapter 20, federal race to the top funds that a school
1 7 district receives under the federal American Recovery
1 8 and Reinvestment Act of 2009, Pub.L. No.111-5, for
1 9 performance-based on merit pay, shall not be subject to
1 10 mandatory negotiations under chapter 20. >
1 11 #2. By renumbering as necessary.

HEATON of Henry
LSB 5609HV.112 (3) 83
kh/rj



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House Amendment 8018

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 14, after line 33 by inserting:
1 4 <Sec. ____ DEPARTMENT OF EDUCATION == FEDERAL RACE
1 5 TO THE TOP GRANT FUNDS RESTRICTION. Federal race to
1 6 the top competitive grant funds that the department of
1 7 education receives from the United States department
1 8 of education under the federal American Recovery and
1 9 Reinvestment Act of 2009, Pub.L. No.111=5, shall
1 10 supplement and not supplant moneys appropriated or
1 11 allocated by the general assembly. >
1 12 #2. By renumbering as necessary.

HEATON of Henry
LSB 5609HV.117 (2) 83
kh/rj



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House Amendment 8019

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 7, lines 14 and 15, by striking <sexual
1 4 orientation, gender identity,>

SCHULTZ of Crawford
LSB 5609HV.114 (1) 83
kh/rj



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House Amendment 8020

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by striking lines 16 through 19 and
1 4 inserting <intervention to be implemented.>

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



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House Amendment 8021

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 10, after line 20 by inserting:
1 4 <Sec. ____ Section 256F.5, Code 2009, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 18. Assurance that an area
1 7 education agency participating in an innovation
1 8 zone consortium will expand its efforts to provide
1 9 multicultural training for teachers employed at the
1 10 innovation zone school. >
1 11 #2. By renumbering as necessary.

FORD of Polk
LSB 5609HV.89 (3) 83
kh/rj



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House Amendment 8022

PAG LIN

1 1 Amend Senate File 2033, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 3, by striking <a. >
1 4 #2. By striking page 1, line 11, through page 2,
1 5 line 4.

FORD of Polk
LSB 5609HV.90 (2) 83
kh/rj



Iowa General Assembly
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House File 2041 - Introduced

HOUSE FILE
BY H. MILLER

A BILL FOR

1 An Act relating to the limitation on length of service for
2 city development board members and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5583YH (1) 83
md/sc



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House File 2041 - Introduced continued

PAG LIN

1 1 Section 1. Section 368.9, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. A city development board is created. The department
1 4 of economic development shall provide office space and staff
1 5 assistance, and shall budget funds to cover expenses of the
1 6 board and committees. The board consists of five members
1 7 appointed by the governor subject to confirmation by the
1 8 senate. The appointments must be for six-year staggered terms
1 9 beginning and ending as provided by section 69.19, or to fill
1 10 an unexpired term in case of a vacancy. Members are eligible
1 11 for reappointment, ~~but no member shall serve more than two~~
~~1 12 complete six-year terms.~~

1 13 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 14 immediate importance, takes effect upon enactment.

1 15 EXPLANATION

1 16 This bill removes the limitation that prevents city
1 17 development board members from serving more than two complete
1 18 six-year terms.

1 19 The bill takes effect upon enactment.

LSB 5583YH (1) 83

md/sc



Iowa General Assembly
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House File 2042 - Introduced

HOUSE FILE
BY SCHULTZ

A BILL FOR

1 An Act relating to compensation terms for state employees and
2 providing effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5373HH (5) 83
tm/rj



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House File 2042 - Introduced continued

PAG LIN

1 1 Section 1. COLLECTIVE BARGAINING AGREEMENT == RENEGOTIATION ==
1 2 COMPENSATION TERMS.
1 3 1. The general assembly finds that in order to avoid
1 4 layoffs, reductions in salary costs must be achieved. As a
1 5 result, the governor, the state court administrator, and the
1 6 state board of regents shall renegotiate with state labor
1 7 unions the collective bargaining agreements effective during
1 8 the fiscal year beginning July 1, 2010, and ending June 30,
1 9 2011.
1 10 2. The governor, the state court administrator, and the
1 11 state board of regents shall apply all of the following terms
1 12 in the renegotiated collective bargaining agreements effective
1 13 during the fiscal year beginning July 1, 2010, and ending June
1 14 30, 2011:
1 15 a. A cost of living increase shall not be granted. The pay
1 16 plans as they exist for the fiscal year ending June 30, 2010,
1 17 shall be the pay plans used for the fiscal year ending June 30,
1 18 2011.
1 19 b. A five percent salary decrease shall be implemented. The
1 20 salary decrease shall be calculated using the pay plans as they
1 21 exist for the fiscal year ending June 30, 2010.
1 22 c. Employees shall not receive a step increase or the
1 23 equivalent of a step increase.
1 24 3. For the fiscal year beginning July 1, 2010, and ending
1 25 June 30, 2011, the provisions of subsection 2 shall apply to
1 26 all pay plans provided for in section 8A.413, subsection 3,
1 27 and shall apply to all employees not covered by a collective
1 28 bargaining agreement.
1 29 4. For the fiscal year beginning July 1, 2010, and ending
1 30 June 30, 2011, the provisions of subsection 2 shall apply
1 31 to all state board of regents employees not covered by a
1 32 collective bargaining agreement.
1 33 5. For the fiscal year beginning July 1, 2010, and ending
1 34 June 30, 2011, the provisions of subsection 2 shall apply to
1 35 all legislative and judicial branch employees not covered by a



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House File 2042 - Introduced continued

2 1 collective bargaining agreement.
2 2 6. Any moneys appropriated from the general fund of the
2 3 state to a department, commission, board, agency, the state
2 4 board of regents, the judicial branch, or the legislative
2 5 branch for purposes of salaries that are not expended as a
2 6 result of the provisions of subsection 2 shall remain in the
2 7 general fund and shall not be expended for any other purpose.
2 8 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 9 immediate importance, takes effect upon enactment.

2 10 EXPLANATION

2 11 This bill relates to salary terms for state employees.
2 12 The bill requires the governor, the state court
2 13 administrator, and the state board of regents to renegotiate
2 14 with state labor unions the collective bargaining agreements
2 15 effective during the fiscal year beginning July 1, 2010, and
2 16 ending June 30, 2011. The bill requires the renegotiated
2 17 contracts to prohibit a cost of living increase, to require a 5
2 18 percent salary decrease, and to prohibit a step increase or the
2 19 equivalent of a step increase.
2 20 The bill provides that the renegotiated terms shall apply
2 21 to all employees of the executive, legislative, and judicial
2 22 branches.
2 23 The bill provides that moneys appropriated from the state
2 24 general fund that are not expended as a result of the mandated
2 25 compensation terms shall remain in the general fund and shall
2 26 not be expended for any other purpose.
2 27 The bill takes effect upon enactment.

LSB 5373HH (5) 83

tm/rj



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House File 2043 - Introduced

HOUSE FILE

BY ISENHART, SWAIM, KUHN, LENSING,
WESSEL-KROESCHELL, HUNTER, BEARD,
KEARNS, BAILEY, ABDUL-SAMAD,
GAYMAN, FREVERT, HANSON, STECKMAN,
TAYLOR, GASKILL, ZIRKELBACH,
SMITH, BERRY, H. MILLER, and
WHITEAD

A BILL FOR

1 An Act requiring the executive director of the ethics and
2 campaign disclosure board to conduct a study relating to the
3 feasibility of public financing of elections in Iowa.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5328HH (6) 83
jr/rj



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House File 2043 - Introduced continued

PAG LIN

1 1 Section 1. STUDY == PUBLIC FINANCING OF ELECTIONS IN
1 2 IOWA. The executive director of the ethics and campaign
1 3 disclosure board, in consultation with the board, shall do all
1 4 of the following:
1 5 1. Study the level of public and other stakeholder support
1 6 for public financing of state and local elections in Iowa.
1 7 2. Investigate and report on the implementation of public
1 8 financing in other jurisdictions.
1 9 3. Make recommendations to the general assembly and the
1 10 governor regarding the feasibility of public financing.
1 11 4. If feasible, recommend appropriate legislation.

1 12 EXPLANATION
1 13 This bill requires the executive director of the ethics and
1 14 campaign disclosure board, in consultation with the board, to
1 15 conduct a study relating to the feasibility of public financing
1 16 of elections in Iowa, and to make a report containing findings
1 17 and recommendations to the general assembly and the governor.

LSB 5328HH (6) 83

jr/rj



Iowa General Assembly
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House File 2044 - Introduced

HOUSE FILE
BY SCHULTZ

A BILL FOR

1 An Act relating to persons who operate dairy farms where milk
2 or milk products are produced for sale to individuals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5165YH (13) 83
da/nh



Iowa General Assembly
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House File 2044 - Introduced continued

PAG LIN

1 1 Section 1. Section 191.2, subsection 5, unnumbered
1 2 paragraph 1, Code Supplement 2009, is amended to read as
1 3 follows:

1 4 ~~All~~ Except as provided in subsection 5A, bottles,
1 5 containers, and packages enclosing milk or milk products shall
1 6 be conspicuously labeled or marked with the following:

1 7 Sec. 2. Section 191.2, Code Supplement 2009, is amended by
1 8 adding the following new subsection:

1 9 NEW SUBSECTION. 5A. A person who operates a dairy farm
1 10 as provided in chapter 192 is not required to label or mark
1 11 a container containing milk or a milk product, regardless of
1 12 whether the milk or milk product is raw or pasteurized, if the
1 13 person sells the milk or milk product to an individual.

1 14 Sec. 3. Section 192.103, Code 2009, is amended to read as
1 15 follows:

1 16 192.103 Sale of grade "A" milk to final consumer ==
1 17 impoundment of adulterated or misbranded milk.

1 18 1. Only grade "A" pasteurized milk and milk products
1 19 shall be sold to the final consumer, or to restaurants, soda
1 20 fountains, grocery stores, or similar establishments, except
1 21 ~~in~~ as follows:

1 22 a. In an emergency, the sale of pasteurized milk and milk
1 23 products which have not been graded, or the grade of which is
1 24 unknown, may be authorized by the secretary, in which case,
1 25 such products shall be labeled "ungraded".

1 26 b. A person who operates a dairy farm may sell milk or a
1 27 milk product regardless of whether the milk or milk product is
1 28 unpasteurized or ungraded, if it is produced by that dairy farm
1 29 and sold to an individual. The person operating the dairy farm
1 30 may deliver or cause to be delivered such milk or milk product
1 31 to a location specified by the individual. An individual who
1 32 purchases the milk or milk product shall not resell it.

1 33 2. No person shall within the state produce, provide, sell,
1 34 offer, or expose for sale, or have in possession with intent
1 35 to sell, any milk or milk product which is adulterated or



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House File 2044 - Introduced continued

2 1 misbranded; except, in an emergency, the sale of pasteurized
2 2 milk and milk products which have not been graded, or the grade
2 3 of which is unknown, may be authorized by the secretary, in
2 4 which case such products shall be labeled "ungraded".

2 5 3. Any adulterated or misbranded milk or milk product
2 6 may be impounded by the secretary or authorized municipal
2 7 corporation and disposed of in accordance with applicable laws
2 8 or regulations.

2 9 Sec. 4. NEW SECTION. 192.108A Permit and inspection
2 10 requirements == exception for dairy farms.

2 11 A person who operates a dairy farm is not required to be
2 12 issued a permit or be inspected as otherwise provided in this
2 13 chapter, if any of the following applies:

2 14 1. The person does not sell milk or a milk product.

2 15 2. The person only sells milk or a milk product to an
2 16 individual.

2 17 EXPLANATION

2 18 BACKGROUND. This bill amends provisions affecting
2 19 persons who operate dairy farms where milk or milk products
2 20 are produced for sale to individuals. The provisions are
2 21 administered and enforced by the department of agriculture
2 22 and land stewardship. The affected provisions include Code
2 23 chapter 191 which governs labeling and Code chapter 192, the
2 24 "Iowa Grade 'A' Milk Inspection Law" (Code section 192.101),
2 25 and departmental rules all based on the "Grade 'A' Pasteurized
2 26 Milk Ordinance" (Code section 192.101A). Milk is the lacteal
2 27 secretion of cows, sheep, or goats, and a dairy farm is any
2 28 place where one or more cows, sheep, or goats are kept for the
2 29 production of milk (21 IAC 68.40).

2 30 LABELING. All food offered or exposed for sale must be
2 31 labeled (Code section 191.1). This includes labeling the milk
2 32 or milk product as "raw" (Code section 191.2(5)(e)). The bill
2 33 provides an exception from this requirement for a person who
2 34 operates a dairy farm, if the person sells the milk or milk
2 35 product to an individual.



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House File 2044 - Introduced continued

3 1 SALE. All milk must be sold on the basis of grade (Code
3 2 section 194.10) and only grade "A" pasteurized milk and milk
3 3 products can be sold to the final consumer (Code section
3 4 192.103). Grade "B" milk may be sold for manufacturing
3 5 purposes (21 IAC 68.2). All dairy farms selling grade "A"
3 6 or grade "B" milk must be issued a permit by the department
3 7 (21 IAC 68.2). The bill provides that a person who operates
3 8 a dairy farm may sell milk or a milk product regardless of
3 9 whether the milk or milk product is unpasteurized or ungraded,
3 10 if it is produced by that dairy farm and sold to an individual.
3 11 The person operating the dairy farm may deliver such milk or
3 12 milk product to a location specified by the individual.
3 13 PERMIT AND INSPECTION. A person who operates a dairy farm
3 14 is required to obtain a permit from the department and is
3 15 subject to departmental inspection (Code section 192.107). The
3 16 bill provides that a person who operates a dairy farm is not
3 17 required to be issued a permit or be subject to inspections by
3 18 the department under either of two conditions: (1) the person
3 19 does not sell milk or milk products, or (2) the person only
3 20 sells milk or milk products to individuals.

LSB 5165YH (13) 83

da/nh



Iowa General Assembly
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House File 2045 - Introduced

HOUSE FILE
BY WAGNER

A BILL FOR

1 An Act creating a sales tax exemption for general school
2 supplies purchased during a certain time period.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5288YH (3) 83
ak/sc



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House File 2045 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 68A. The sales price from the sale of
1 4 general school supplies when the sale takes place during a
1 5 period beginning at 12:01 a.m.on the first Friday in August
1 6 and ending at midnight on the following Saturday.

1 7 EXPLANATION

1 8 This bill creates a sales tax exemption from the sale of
1 9 general school supplies when the sale takes place during the
1 10 first Friday and Saturday of August each year.

LSB 5288YH (3) 83

ak/sc



Iowa General Assembly
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House File 2046 - Introduced

HOUSE FILE
BY MAY

A BILL FOR

1 An Act modifying the deadline for establishment of the
2 state percent of growth for purposes of the state school
3 foundation program and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5734YH (2) 83
ak/sc



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House File 2046 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.8, subsection 1, Code Supplement
1 2 2009, is amended to read as follows:
1 3 1. State percent of growth. The state percent of growth
1 4 for the budget year beginning July 1, 2009, is four percent.
1 5 The state percent of growth for the budget year beginning July
1 6 1, 2010, is two percent. The state percent of growth for ~~each~~
~~1 7 subsequent a~~ budget year shall be established by statute which
1 8 shall be enacted within thirty days of the submission in ~~the~~
~~1 9 year preceding~~ the base year of the governor's budget under
1 10 section 8.21. The establishment of the state percent of growth
1 11 for a budget year shall be the only subject matter of the bill
1 12 which enacts the state percent of growth for a budget year.
1 13 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 14 immediate importance, takes effect upon enactment.
1 15 EXPLANATION
1 16 This bill removes the requirement that the state percent of
1 17 growth for a budget year be established in the year preceding
1 18 the base year. Instead, the state percent of growth will
1 19 be established in the same calendar year as the budget year
1 20 begins.
1 21 The bill takes effect upon enactment.
LSB 5734YH (2) 83
ak/sc



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House File 2047 - Introduced

HOUSE FILE
BY MAY

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 5368YH (3) 83
kh/sc



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House File 2047 - 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.



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House File 2047 - 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



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House File 2047 - 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 5368YH (3) 83

kh/sc



Iowa General Assembly
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House File 2048 - Introduced

HOUSE FILE
BY MAY

A BILL FOR

1 An Act relating to the allocation of Iowa resources enhancement
2 and protection funds to certain county conservation
3 accounts.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5507YH (2) 83
av/nh



**Iowa General Assembly
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House File 2048 - Introduced continued

PAG LIN

1 1 Section 1. Section 455A.19, subsection 1, paragraph b,
 1 2 subparagraph (5), Code 2009, is amended to read as follows:
 1 3 (5) (a) Funds allocated pursuant to subparagraphs (2) and
 1 4 (3) shall only be allocated to counties dedicating property
 1 5 tax revenue at least equal to twenty-two cents per thousand
 1 6 dollars of the assessed value of taxable property in the county
 1 7 to county conservation purposes. State funds received under
 1 8 this paragraph shall not reduce or replace county tax revenues
 1 9 appropriated for county conservation purposes. The county
 1 10 auditor shall submit documentation annually of the dedication
 1 11 of property tax revenue for county conservation purposes. The
 1 12 annual audit of the financial transactions and condition of
 1 13 a county shall certify compliance with requirements of this
 1 14 subparagraph. Funds not allocated to counties not qualifying
 1 15 for the allocations under subparagraph (2) as a result of this
 1 16 subparagraph shall be held in reserve for each county for two
 1 17 years. Counties qualifying within two years may receive the
 1 18 funds held in reserve. Funds not spent by a county within two
 1 19 years shall revert to the general pool of county funds for
 1 20 reallocation to other counties where needed.
 1 21 (b) Notwithstanding subparagraph division (a), the natural
 1 22 resource commission may, in its discretion, allow funds
 1 23 to be allocated pursuant to subparagraphs (2) and (3) to
 1 24 counties that do not dedicate property tax revenue to county
 1 25 conservation purposes, as the commission deems appropriate.

EXPLANATION

1 26 This bill allows the natural resource commission to
 1 27 exercise its discretion to allow funds from the Iowa resources
 1 28 enhancement and protection fund (REAP) to be allocated to
 1 29 a county conservation account even if the county does not
 1 30 dedicate property tax revenue to county conservation purposes.
 1 31 Currently, such REAP funds can only be allocated to counties
 1 32 that allocate property tax revenue at least equal to 22 cents
 1 33 per \$1,000 of the assessed value of taxable property in the
 1 34 county to county conservation purposes.
 1 35

LSB 5507YH (2) 83

av/nh



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House File 2049 - Introduced

HOUSE FILE
BY MAY

A BILL FOR

1 An Act requiring the administering of end-of-course
2 examinations for certain secondary school subject areas.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5372YH (5) 83
kh/nh



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House File 2049 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 30. Adopt rules by July 1, 2011, to
1 4 require school districts and accredited nonpublic schools
1 5 to administer the end-of-course examinations developed by
1 6 the director pursuant to section 256.9, subsection 59, to
1 7 students as a condition of graduation. The rules shall provide
1 8 for a timeline for the implementation of the end-of-course
1 9 examinations by school districts and accredited nonpublic
1 10 schools.

1 11 Sec. 2. Section 256.9, subsection 52, paragraph a, Code
1 12 Supplement 2009, is amended to read as follows:

1 13 a. Develop and distribute, in collaboration with the area
1 14 education agencies, core curriculum technical assistance and
1 15 implementation strategies that school districts and accredited
1 16 nonpublic schools shall utilize, ~~including but not limited to~~
~~1 17 the development and delivery of formative and end-of-course~~
~~1 18 model assessments classroom teachers may use to measure~~
1 19 student progress on the core curriculum adopted pursuant to
1 20 section 256.7, subsection 26, in addition to the end-of-course
1 21 examinations administered in accordance with section 256.7,
1 22 subsection 30. The department shall, in collaboration with the
1 23 advisory group convened in accordance with paragraph "b" and
1 24 educational assessment providers, identify and make available
1 25 to school districts ~~end-of-course and additional model~~
~~1 26 end-of-course and additional~~ assessments to align with the
1 27 expectations included in the Iowa core curriculum. The model
1 28 assessments shall be suitable to meet the multiple assessment
1 29 measures requirement specified in section 256.7, subsection 21,
1 30 paragraph "c".

1 31 Sec. 3. Section 256.9, Code Supplement 2009, is amended by
1 32 adding the following new subsection:

1 33 NEW SUBSECTION. 59. a. Develop, in consultation with
1 34 kindergarten through grade sixteen education stakeholders, at
1 35 least one end-of-course examination in each of the following



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House File 2049 - Introduced continued

2 1 core curriculum subject areas at the secondary school level:
2 2 mathematics, language arts, and science. The end-of-course
2 3 examinations shall be aligned with the core content standards
2 4 developed for the subject areas pursuant to section 256.7,
2 5 subsection 28.
2 6 b. In developing the end-of-course examinations, the
2 7 director shall convene a task force to identify best practices
2 8 for the adoption of end-of-course examinations, determine the
2 9 levels of support necessary to prepare teachers and students
2 10 for the examinations, and identify the costs of administering
2 11 end-of-course examinations in mathematics, language arts,
2 12 and science at the secondary school level. The task force
2 13 shall review the end-of-course examination requirements of
2 14 other states and the advantages and disadvantages other states
2 15 have realized in developing, implementing, and administering
2 16 end-of-course examinations, including but not limited to
2 17 the costs of preparing students for the examinations and of
2 18 developing, implementing, and administering the examinations;
2 19 and the purposes and goals other states have established
2 20 for the examinations. The task force shall be comprised of
2 21 kindergarten through grade sixteen education stakeholders. The
2 22 task force shall submit its findings and recommendations in
2 23 a report to the state board of education, the governor, and
2 24 the general assembly by January 17, 2011. This paragraph is
2 25 repealed on July 1, 2011.
2 26 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance
2 27 with section 25B.2, subsection 3, the state cost of requiring
2 28 compliance with any state mandate included in this Act shall
2 29 be paid by a school district from state school foundation aid
2 30 received by the school district under section 257.16. This
2 31 specification of the payment of the state cost shall be deemed
2 32 to meet all of the state funding-related requirements of
2 33 section 25B.2, subsection 3, and no additional state funding
2 34 shall be necessary for the full implementation of this Act



Iowa General Assembly
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House File 2049 - Introduced continued

3 1 by and enforcement of this Act against all affected school
3 2 districts.

3 3 EXPLANATION

3 4 This bill directs the director of the department of
3 5 education to develop, in consultation with a task force of
3 6 kindergarten through grade 16 education stakeholders, at
3 7 least one end-of-course examination in each of the following
3 8 core curriculum subject areas at the secondary school level:
3 9 mathematics, language arts, and science. The task force
3 10 must submit its findings and recommendations to the state
3 11 board of education, the governor, and the general assembly by
3 12 January 17, 2011. The state board of education is required to
3 13 adopt rules by July 1, 2011, to require school districts and
3 14 accredited nonpublic schools to administer the end-of-course
3 15 examinations to students as a condition of graduation. The
3 16 rules shall provide for a timeline for the implementation
3 17 of the end-of-course examinations by school districts and
3 18 accredited nonpublic schools. The bill includes a conforming
3 19 amendment.

3 20 The bill may include a state mandate as defined in Code
3 21 section 25B.3. The bill requires that the state cost of
3 22 any state mandate included in the bill be paid by a school
3 23 district from state school foundation aid received by the
3 24 school district under section 257.16. The specification is
3 25 deemed to constitute state compliance with any state mandate
3 26 funding-related requirements of Code section 25B.2. The
3 27 inclusion of this specification is intended to reinstate the
3 28 requirement of political subdivisions to comply with any state
3 29 mandates included in the bill.

LSB 5372YH (5) 83

kh/nh



Iowa General Assembly
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House File 2050 - Introduced

HOUSE FILE
BY MAY

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
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House File 2050 - 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 5456YH (4) 83

kh/nh



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House File 2051 - Introduced

HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act providing for standardized provisions and format and a
2 consumer guide for long-term care insurance policies and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5320HH (3) 83
av/nh



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House File 2051 - Introduced continued

PAG LIN

1 1 Section 1. Section 514G.105, Code 2009, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 5A. Standard provisions and format.

1 4 a. The commissioner shall adopt rules establishing standard
1 5 provisions for terms and benefits required to be included in a
1 6 long-term care insurance policy advertised, marketed, offered,
1 7 delivered, or issued for delivery in this state. The rules
1 8 shall establish a standard format for such long-term care
1 9 insurance policies to facilitate ease of comparison of the
1 10 various policies by consumers.

1 11 b. The commissioner shall review each policy of long-term
1 12 care insurance prior to the policy being advertised, marketed,
1 13 offered, delivered, or issued for delivery in this state to
1 14 ensure that the policy complies with the requirements of this
1 15 subsection and rules adopted pursuant to this subsection.

1 16 NEW SUBSECTION. 7A. Consumer guide.

1 17 a. A consumer guide, as prescribed by the commissioner
1 18 by rule, shall be delivered to a prospective applicant
1 19 for long-term care insurance at the time of the initial
1 20 solicitation for coverage.

1 21 (1) In the case of producer solicitations, a producer shall
1 22 deliver the consumer guide to a prospective applicant prior to
1 23 the presentation of an application or enrollment form.

1 24 (2) In the case of direct response solicitations, the
1 25 consumer guide shall be presented in conjunction with any
1 26 application or enrollment form.

1 27 (3) In the case of a policy issued to a group as described
1 28 in section 514G.103, subsection 9, paragraph "a", a consumer
1 29 guide is not required to be delivered to the applicant,
1 30 provided that the information described in paragraph "b" of this
1 31 subsection is contained in other enrollment materials provided.
1 32 Upon request such other enrollment materials shall be made
1 33 available to the commissioner.

1 34 b. The consumer guide shall include a description of the
1 35 standard terms, benefits, and format required for a long-term



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House File 2051 - Introduced continued

2 1 care insurance policy in this state. The commissioner of
2 2 insurance may by reference adopt or permit the use of the
2 3 long-term care insurance consumer guide developed by the
2 4 national association of insurance commissioners, the blue
2 5 cross and blue shield association, or the health insurance
2 6 association of America, provided that the consumer guide that
2 7 is adopted or permitted to be used by reference meets all of
2 8 the requirements of this subsection.

2 9 Sec. 2. APPLICABILITY. This Act applies to long-term care
2 10 insurance policies advertised, marketed, offered, delivered, or
2 11 issued for delivery in this state on or after July 1, 2010.

2 12 EXPLANATION

2 13 This bill requires the commissioner of insurance to adopt
2 14 rules establishing standard provisions for terms and benefits
2 15 required to be included in a long-term care insurance policy
2 16 advertised, marketed, offered, delivered, or issued for
2 17 delivery in this state. The rules must establish a standard
2 18 format for such policies so that consumers can easily compare
2 19 the various policies offered. The commissioner is required to
2 20 review each policy of long-term care insurance to ensure that
2 21 the policy complies with these requirements.

2 22 The bill also requires the commissioner to adopt rules
2 23 concerning a consumer guide to be delivered to prospective
2 24 applicants for long-term care insurance at the time of
2 25 solicitation, application, or enrollment. The guide must
2 26 include a description of the required standard terms, benefits,
2 27 and format in long-term care insurance policies in this state.
2 28 The commissioner may by reference adopt or permit the use
2 29 of a consumer guide developed by the national association
2 30 of insurance commissioners, the blue cross and blue shield
2 31 association, or the health insurance association of America, so
2 32 long as the guide meets all the requirements of the bill.

2 33 The bill is applicable to long-term care insurance policies
2 34 advertised, marketed, offered, delivered, or issued for
2 35 delivery in this state on or after July 1, 2010.

LSB 5320HH (3) 83

av/nh



Iowa General Assembly
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House File 2052 - Introduced

HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act relating to the creation and use of moneys in a home
2 and community-based services trust fund and making an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5332HH (1) 83
pf/nh



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House File 2052 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 231.35 Home and community-based
1 2 services trust fund.
1 3 1. A home and community-based services trust fund is
1 4 created within the state treasury under the authority of
1 5 the department. The moneys in the home and community-based
1 6 services trust fund are appropriated to the department to be
1 7 used for distribution through the area agencies on aging to
1 8 provide home and community-based services for older individuals
1 9 designed to promote the independence of and to delay the use of
1 10 institutional care by older individuals with low and moderate
1 11 incomes.
1 12 2. Moneys received by the department, moneys appropriated
1 13 to the home and community-based services trust fund, and any
1 14 other moneys available to and obtained or accepted by the
1 15 department for placement in the home and community-based trust
1 16 fund shall be deposited in the fund. Notwithstanding section
1 17 12C.7, subsection 2, interest or earnings on moneys in the home
1 18 and community-based services trust fund shall be credited to
1 19 the fund. Notwithstanding section 8.33, moneys in the fund
1 20 that remain unencumbered or unobligated at the end of the
1 21 fiscal year shall not revert but shall remain available for the
1 22 same purpose in the succeeding fiscal year.
1 23 3. The department shall annually distribute moneys
1 24 available in the home and community-based trust fund to the
1 25 area agencies on aging. The department shall adopt rules
1 26 pursuant to chapter 17A to administer this section, including
1 27 the criteria and a process for distribution of funds to area
1 28 agencies on aging.
1 29 Sec. 2. APPROPRIATION. There is appropriated to the
1 30 department on aging for the fiscal year beginning July 1, 2010,
1 31 and ending June 30, 2011, the following amount, or so much
1 32 thereof as is necessary, for the purpose designated:
1 33 For deposit in the home and community-based services
1 34 trust fund created in section 231.35 to provide home and
1 35 community-based services to older individuals:



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House File 2052 - Introduced continued

2 1 \$ 8,500,000

2 2 EXPLANATION

2 3 This bill creates the home and community-based services
 2 4 trust fund within the state treasury under the authority of
 2 5 the department on aging. Moneys in the fund are appropriated
 2 6 to the department for distribution through area agencies on
 2 7 aging to provide home and community-based services for older
 2 8 individuals designed to promote the independence of and to
 2 9 delay the use of institutional care by older individuals
 2 10 with low and moderate incomes. The fund consists of moneys
 2 11 received by the department, moneys appropriated to the home
 2 12 and community-based services trust fund, and any other moneys
 2 13 available to and obtained or accepted by the department for
 2 14 placement in the home and community-based trust fund. The
 2 15 department is directed to adopt rules to administer the fund,
 2 16 including criteria and a process for distribution of funds
 2 17 to area agencies on aging. The bill also appropriates \$8.5
 2 18 million from the general fund of the state to the department
 2 19 for FY 2010=2011 for deposit in the trust fund. Home and
 2 20 community-based services are defined in Code section 231.4 as
 2 21 "a continua of services available in an individual's home or
 2 22 community which include but are not limited to case management,
 2 23 homemaker, home health aide, personal care, adult day,
 2 24 respite, home delivered meals, nutrition counseling, and other
 2 25 medical and social services which contribute to the health and
 2 26 well-being of individuals and their ability to reside in a home
 2 27 or community-based care setting."

LSB 5332HH (1) 83

pf/nh



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House File 2053 - Introduced

HOUSE FILE
BY WHITEAD

A BILL FOR

1 An Act providing for the use of photo traffic enforcement in
2 road work zones on primary highways.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5142YH (4) 83
dea/nh



Iowa General Assembly
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House File 2053 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.296 Speed limit enforcement in
1 2 work zones == photo traffic enforcement.
1 3 The department of public safety, in cooperation with
1 4 the department of transportation, shall place photo traffic
1 5 enforcement devices in all road work zones on primary highways
1 6 to enforce violations of the posted speed limits in the road
1 7 work zones.
1 8 1. For purposes of this section, "photo traffic enforcement
1 9 device" means a device used primarily for highway speed
1 10 limit enforcement, substantially consisting of a low-powered
1 11 Doppler radar unit and camera which automatically produces a
1 12 photograph of a vehicle, including the vehicle's registration
1 13 plate, traveling in excess of the legal speed limit, with the
1 14 vehicle's speed and the date, time of day, and location of the
1 15 violation printed on the photograph.
1 16 2. The department of transportation shall post signs
1 17 providing notice to motorists in every road work zone where a
1 18 photo traffic enforcement device is in use.
1 19 3. If a peace officer of the department of public safety
1 20 determines from examination of the evidence produced by a
1 21 photo traffic enforcement device that a speeding violation
1 22 occurred in a road work zone, the peace officer may initiate an
1 23 investigation not more than seven calendar days after the date
1 24 of the violation. The peace officer may request that the owner
1 25 of the vehicle supply information identifying the driver of the
1 26 vehicle in accordance with section 321.484, or in the case of a
1 27 commercial motor vehicle, the peace officer may request that
1 28 the employer of the driver provide information identifying the
1 29 driver of the vehicle.
1 30 a. If, from the investigation, the peace officer is able to
1 31 identify the driver of the vehicle and has reasonable cause to
1 32 believe a speeding violation has occurred, the peace officer
1 33 shall prepare a uniform traffic citation for the violation and
1 34 shall serve it personally or by certified mail on the driver
1 35 of the vehicle.



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House File 2053 - Introduced continued

2 1 b. If, from the investigation, the peace officer has
2 2 reasonable cause to believe that a speeding violation occurred
2 3 but is unable to identify the driver, the peace officer shall
2 4 serve a uniform traffic citation for the violation on the
2 5 owner of the motor vehicle or, in the case of a commercial
2 6 motor vehicle, on the employer of the driver. Notwithstanding
2 7 section 321.484, in a proceeding where the peace officer who
2 8 conducted the investigation was not able to identify the driver
2 9 of the motor vehicle, proof that the motor vehicle captured on
2 10 camera and described in the uniform traffic citation was used
2 11 to commit the speeding violation in a road work zone, together
2 12 with proof that the defendant named in the citation was the
2 13 owner of the motor vehicle or, in the case of a commercial
2 14 motor vehicle, the employer of the driver, at the time the
2 15 violation occurred, constitutes a permissible inference
2 16 that the owner or employer was the person who committed the
2 17 violation.

2 18 c. For purposes of this subsection, "owner" means a person
2 19 who holds the legal title to a motor vehicle; however, if the
2 20 motor vehicle is the subject of a security agreement with a
2 21 right of possession in the debtor, the debtor shall be deemed
2 22 the owner for purposes of this subsection, or if the motor
2 23 vehicle is leased as defined in section 321.493, the lessee
2 24 shall be deemed the owner for purposes of this subsection.

2 25 4. A photograph that meets the requirements of subsection
2 26 1 shall be accepted as prima facie evidence of the speeding
2 27 violation in any legal proceeding where the speed of the motor
2 28 vehicle is at issue.

2 29 Sec. 2. Section 321.484, subsection 2, Code 2009, is amended
2 30 to read as follows:

2 31 2. If a peace officer as defined in section 801.4 has
2 32 reasonable cause to believe the driver of a motor vehicle has
2 33 violated section 321.261, 321.262, 321.264, 321.341, 321.342,
2 34 321.343, 321.344, or 321.372, or has committed a violation
2 35 recorded by a photo traffic enforcement device under section



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House File 2053 - Introduced continued

3 1 321.296, the officer may request any owner of the motor
3 2 vehicle to supply information identifying the driver. When
3 3 requested, the owner of the vehicle shall identify the driver
3 4 to the best of the owner's ability. However, the owner of the
3 5 vehicle is not required to supply identification information
3 6 to the officer if the owner believes the information is
3 7 self-incriminating.

3 8 EXPLANATION

3 9 This bill requires the department of public safety, in
3 10 cooperation with the department of transportation, to place
3 11 photo traffic enforcement devices in all road work zones on
3 12 primary highways. Pursuant to current law, reduced speed
3 13 limits are posted in road work zones. Under the bill, the
3 14 department of transportation is also required to post signs in
3 15 road work zones on primary highways notifying motorists that
3 16 photo enforcement is in use.

3 17 The bill defines "photo traffic enforcement device" as a
3 18 device used primarily for highway speed limit enforcement,
3 19 substantially consisting of a low-powered Doppler radar unit
3 20 and camera which automatically produces a photograph of a
3 21 vehicle, including the vehicle's registration plate, traveling
3 22 in excess of the legal speed limit, with the vehicle's speed
3 23 and the date, time of day, and location of the violation
3 24 printed on the photograph. Under the bill, such a photograph
3 25 is to be accepted as prima facie evidence of a speeding
3 26 violation in any legal proceeding where the speed of the motor
3 27 vehicle is at issue.

3 28 When a peace officer of the department of public safety
3 29 who has reviewed the photographic evidence determines that a
3 30 speeding violation occurred, the peace officer may initiate an
3 31 investigation within seven days of the date of the violation.
3 32 The procedure to be followed mirrors the procedure in existing
3 33 law for prosecuting offenses relating to stopping for school
3 34 buses or at railroad crossings.

3 35 The peace officer may request that the owner of the vehicle



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House File 2053 - Introduced continued

4 1 supply information identifying the driver of the vehicle. If
4 2 the vehicle involved is a commercial vehicle, the peace officer
4 3 may ask the employer of the driver to provide information
4 4 identifying the driver.

4 5 Once the identity of the driver is known, and if the peace
4 6 officer still has reasonable cause to believe that a speeding
4 7 violation occurred in a work zone, the peace officer shall
4 8 issue a uniform traffic citation to the driver by personal
4 9 service or by certified mail.

4 10 If the peace officer is unable to identify the driver
4 11 but still has reasonable cause to believe that a violation
4 12 occurred, the peace officer shall serve a uniform traffic
4 13 citation on the owner of the vehicle or, in the case of a
4 14 commercial vehicle, on the employer of the driver. Proof
4 15 that the motor vehicle captured on camera and described in
4 16 the uniform traffic citation was used to commit the speeding
4 17 violation, together with proof that the defendant named in the
4 18 citation was the owner of the motor vehicle or the employer of
4 19 the driver at the time the violation occurred, constitutes a
4 20 permissible inference that the owner or employer was the person
4 21 who committed the violation.

4 22 For purposes of the bill, the owner of the vehicle is the
4 23 person who holds the legal title to the vehicle. If there is
4 24 a security interest in the vehicle, a debtor with a right of
4 25 possession is deemed to be the owner, and if the motor vehicle
4 26 is leased, the lessee is deemed to be the owner.

LSB 5142YH (4) 83

dea/nh



Iowa General Assembly
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House File 2054 - Introduced

HOUSE FILE
BY WHITEAD

A BILL FOR

- 1 An Act authorizing monitor vending machines.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5198YH (2) 83
ec/nh



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House File 2054 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.4, Code Supplement 2009, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 27. To provide that the game title or name
1 4 of a gambling game authorized for use under this chapter shall
1 5 not be the same as a game title or name in use in conjunction
1 6 with a monitor vending machine as described in section 99G.30A.

1 7 Sec. 2. Section 99G.3, subsection 7, Code 2009, is amended
1 8 to read as follows:

1 9 7. "Lottery", "lotteries", "lottery game", "lottery games",
1 10 or "lottery products" means any game of chance approved by
1 11 the board and operated pursuant to this chapter and games
1 12 using mechanical or electronic devices, provided that the
1 13 authority shall not authorize a ~~monitor vending machine or~~
1 14 ~~a player-activated gaming machine that utilizes an internal~~
1 15 randomizer to determine winning and nonwinning plays and that
1 16 upon random internal selection of a winning play dispenses
1 17 coins, currency, or a ticket, credit, or token to the player
1 18 that is redeemable for cash or a prize, and excluding gambling
1 19 or gaming conducted pursuant to chapter 99B, 99D, or 99F.

1 20 Sec. 3. Section 99G.30A, Code 2009, is amended by striking
1 21 the section and inserting in lieu thereof the following:

1 22 99G.30A Monitor vending machines == restrictions.

1 23 A retailer may sell lottery products or tickets by means of
1 24 a monitor vending machine pursuant to the requirements of the
1 25 authority, but only if all of the following conditions are met:

1 26 1. A monitor vending machine shall only be permitted
1 27 or offered for use by a retailer in any single location or
1 28 premises for which a class "A", class "B", class "C", special
1 29 class "C", or class "B" beer permit has been issued pursuant
1 30 to chapter 123.

1 31 2. The game title or name of a game operated on a monitor
1 32 vending machine shall not be the same as a game title or name
1 33 that has been used or is authorized for use on a gambling game
1 34 authorized pursuant to chapter 99F.



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House File 2054 - Introduced continued

2 1 EXPLANATION
2 2 This bill eliminates a provision prohibiting the Iowa
2 3 lottery authority from allowing retailers to use monitor
2 4 vending machines to dispense lottery products and games. The
2 5 bill also eliminates the additional 65 percent excise tax on
2 6 monitor vending machine revenues.
2 7 The bill permits a retailer who is licensed to sell alcohol
2 8 for on-premises consumption to sell lottery products or tickets
2 9 by means of a monitor vending machine. The bill also provides
2 10 that the game title or name of a game operated on a monitor
2 11 vending machine shall not be the same as a game title or name
2 12 utilized as a gambling game under Code chapter 99F. The bill
2 13 grants the racing and gaming commission authority to ensure
2 14 that game titles for gambling games under Code chapter 99F do
2 15 not match game titles or names for games dispensed utilizing a
2 16 monitor vending machine.

LSB 5198YH (2) 83

ec/nh



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House File 2055 - Introduced

HOUSE FILE

BY SWEENEY, CHAMBERS, ALONS, TYMESON,
S. OLSON, ZIRKELBACH, WORTHAN,
MAY, and MERTZ

A BILL FOR

1 An Act relating to eligible lenders for the home ownership
2 assistance program for military members.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5546YH (3) 83
md/sc



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House File 2055 - Introduced continued

PAG LIN

1 1 Section 1. Section 16.54, subsection 4, paragraphs a and b,
1 2 Code 2009, are amended to read as follows:

1 3 a. The person eligible for the program shall, for financed
1 4 home purchases that close on or after July 1, 2008, use a
1 5 lender that participates in the authority's applicable programs
1 6 for first-time homebuyers or a lender approved by the authority
1 7 under subsection 4A.

1 8 b. If the person eligible for the program is a first-time
1 9 homebuyer, then, for financed home purchases that close on or
1 10 after July 1, 2008, the eligible person shall participate, if
1 11 eligible to participate, in one of the authority's applicable
1 12 programs for first-time homebuyers. However, a person eligible
1 13 for the program may use a lender that does not participate in
1 14 the authority's applicable programs for first-time homebuyers
1 15 if such lender is approved by the authority under subsection
1 16 4A.

1 17 Sec. 2. Section 16.54, Code 2009, is amended by adding the
1 18 following new subsection:

1 19 NEW SUBSECTION. 4A. A person eligible for the program
1 20 may submit an application to the authority for approval of
1 21 a lender, even if such lender does not participate in the
1 22 authority's applicable programs for first-time homebuyers.
1 23 The authority shall have discretion to approve or disapprove
1 24 any application under this subsection. The authority shall
1 25 prescribe a form for such applications.

1 26 EXPLANATION

1 27 This bill allows eligible persons for the home ownership
1 28 assistance program for military members to submit an
1 29 application for approval of a lender other than those lenders
1 30 who participate in the Iowa finance authority's applicable
1 31 programs for first-time homebuyers. The bill gives the Iowa
1 32 finance authority discretion to approve or disapprove an
1 33 application to use an alternative lender. The bill also
1 34 requires the Iowa finance authority to prescribe a form for
1 35 such applications.

LSB 5546YH (3) 83

md/sc



Iowa General Assembly
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House File 2056 - Introduced

HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act relating to the requirements for national criminal
2 history record checks for child care providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5054HH (2) 83
jp/nh



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House File 2056 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.5, subsection 2, paragraph d,
1 2 subparagraph (1), Code Supplement 2009, is amended to read as
1 3 follows:
1 4 (1) For a person subject to a record check, in addition to
1 5 any other record check conducted pursuant to this subsection,
1 6 the person's fingerprints shall be provided to the department
1 7 of public safety for submission through the state criminal
1 8 history repository to the United States department of justice,
1 9 federal bureau of investigation for a national criminal history
1 10 check. The department may adopt rules specifying criteria in
1 11 the public interest for requiring the national criminal history
1 12 check ~~shall~~ of a person to be repeated ~~every four years~~.

1 13 EXPLANATION

1 14 This bill relates to the requirements for national criminal
1 15 history record checks for certain child care providers.
1 16 Under current law in Code section 237A.5, relating to child
1 17 care personnel, a national criminal record check is required
1 18 for persons being considered for child care licensure or
1 19 registration, for employment in child care, for receiving
1 20 public funding for providing child care, or for residing in
1 21 a child care facility or child care home receiving public
1 22 funding. For the period beginning on and after January 1,
1 23 2010, through June 30, 2013, the national criminal record check
1 24 requirement only applies to licensed child care centers and to
1 25 child development home providers who voluntarily license.
1 26 The bill replaces a requirement for repeating the
1 27 national criminal check requirement every four years with an
1 28 authorization for the department of human services to adopt
1 29 rules specifying criteria in the public interest for requiring
1 30 the national check of a person to be repeated.

LSB 5054HH (2) 83

jp/nh



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House File 2057 - Introduced

HOUSE FILE

BY WINDSCHITL, SORENSON, SCHULTZ,
HELLAND, STRUYK, PETTENGILL,
KOESTER, BAUDLER, CHAMBERS,
FORRISTALL, TYMESON, and HAGENOW

A BILL FOR

1 An Act relating to the collection of certain information for
2 the issuance of nonprofessional permits to carry weapons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5014YH (5) 83
rh/rj



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House File 2057 - Introduced continued

PAG LIN

1 1 Section 1. Section 724.7, Code 2009, is amended to read as
1 2 follows:

1 3 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

1 4 1. Any person who can reasonably justify going armed may be
1 5 issued a nonprofessional permit to carry weapons.

1 6 2. Such permits shall be on a form prescribed and published
1 7 by the commissioner of public safety, which shall be readily
1 8 distinguishable from the professional permit, and shall
1 9 identify the holder thereof, and state the reason for the
1 10 issuance of the permit, and the limits of the authority
1 11 granted by such permit. Such permits shall not be issued for
1 12 a particular weapon and shall not contain information about a
1 13 particular weapon including the make, model, or serial number
1 14 of the weapon or any ammunition used in that weapon.

1 15 3. All permits so issued shall be for a definite period
1 16 as established by the issuing officer, but in no event shall
1 17 exceed a period of twelve months.

1 18 Sec. 2. Section 724.11, Code 2009, is amended to read as
1 19 follows:

1 20 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

1 21 1. Applications for permits to carry weapons shall be made
1 22 to the sheriff of the county in which the applicant resides.
1 23 Applications from persons who are nonresidents of the state, or
1 24 whose need to go armed arises out of employment by the state,
1 25 shall be made to the commissioner of public safety. In either
1 26 case, except as provided in subsection 2, the issuance of the
1 27 permit shall be by and at the discretion of the sheriff or
1 28 commissioner, who shall, before issuing the permit, determine
1 29 that the requirements of sections 724.6 to 724.10 have been
1 30 satisfied. However, the training program requirements in
1 31 section 724.9 may be waived for renewal permits.

1 32 2. Neither the sheriff nor the commissioner shall require
1 33 an applicant for a nonprofessional permit to carry weapons to
1 34 provide information identifying a particular weapon in the
1 35 application including the make, model, or serial number of the



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House File 2057 - Introduced continued

2 1 weapon or any ammunition used in that particular weapon.

2 2 3. The issuing officer shall collect a fee of ten dollars,
2 3 except from a duly appointed peace officer or correctional
2 4 officer, for each permit issued. Renewal permits or duplicate
2 5 permits shall be issued for a fee of five dollars. The issuing
2 6 officer shall notify the commissioner of public safety of the
2 7 issuance of any permit at least monthly and forward to the
2 8 commissioner an amount equal to two dollars for each permit
2 9 issued and one dollar for each renewal or duplicate permit
2 10 issued. All such fees received by the commissioner shall be
2 11 paid to the treasurer of state and deposited in the operating
2 12 account of the department of public safety to offset the cost
2 13 of administering this chapter. Any unspent balance as of June
2 14 30 of each year shall revert to the general fund as provided by
2 15 section 8.33.

2 16

EXPLANATION

2 17 This bill provides that the sheriff of the county in which an
2 18 applicant for a nonprofessional permit to carry weapons resides
2 19 or, in the case of a nonresident, the commissioner of public
2 20 safety, shall not condition the issuance of such a permit on an
2 21 applicant's provision of information identifying a particular
2 22 weapon in the application including the make, model, or serial
2 23 number of the weapon or any ammunition used in that particular
2 24 weapon.

LSB 5014YH (5) 83

rh/rj



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House File 2058 - Introduced

HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act relating to reimbursement for services provided under a
2 medical assistance home and community-based services waiver
3 for the elderly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5318HH (2) 83
pf/rj



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House File 2058 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 249A.30B Home and community-based
1 2 services waiver == elderly == reimbursement.
1 3 The reimbursement for a provider of services under a medical
1 4 assistance program home and community-based services waiver
1 5 for the elderly shall be recalculated annually on July 1. The
1 6 annual inflation factor applied shall be determined based on
1 7 the total skilled nursing facility market basket index utilized
1 8 by the centers for Medicare and Medicaid services of the United
1 9 States department of health and human services.

1 10 EXPLANATION

1 11 This bill requires the reimbursement for providers of
1 12 services under a medical assistance home and community-based
1 13 services waiver for the elderly to be recalculated annually
1 14 on July 1. The annual inflation factor applied is to be
1 15 determined based on the skilled nursing facility market
1 16 basket index utilized by the centers for Medicare and Medicaid
1 17 services of the United States department of health and human
1 18 services.

LSB 5318HH (2) 83

pf/rj



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House File 2059 - Introduced

HOUSE FILE
BY REICHERT

A BILL FOR

1 An Act relating to the Iowa statues on display in the United
2 States capitol.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5466HH (7) 83
jr/rj



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House File 2059 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 303.90 Legislative intent.
1 2 It is the intent of the general assembly to exchange the
1 3 statues of Samuel Kirkwood and James Harlan, both currently on
1 4 display in the United States capitol, with statues of Alexander
1 5 Clarke and Norman Borlaug.
1 6 Sec. 2. NEW SECTION. 303.91 Committees == membership and
1 7 organization.
1 8 1. Two committees are created and charged with organizing
1 9 and raising the funds necessary to exchange Iowa's statues on
1 10 display in the United States capitol with alternative statues.
1 11 a. A committee of seven is created, to be appointed by
1 12 the governor and to serve at the pleasure of the governor, to
1 13 exchange the Kirkwood statue currently on display in the United
1 14 States capitol with a statue of Alexander Clarke.
1 15 b. A committee of seven is created, to be appointed by
1 16 the governor and to serve at the pleasure of the governor, to
1 17 exchange the Harlan statue currently on display in the United
1 18 States capitol with a statue of Norman Borlaug.
1 19 2. Each committee shall annually select its own chairperson
1 20 and establish its rules of procedure. Each committee shall
1 21 meet as may be deemed necessary by the chairperson. A majority
1 22 of the members of each committee shall constitute a quorum.
1 23 3. Members shall serve without compensation or
1 24 reimbursement for actual expenses.
1 25 Sec. 3. NEW SECTION. 303.92 Powers and duties.
1 26 Each of the committees shall:
1 27 1. Raise all of the funds necessary for the operation of the
1 28 committee.
1 29 2. Solicit donations to exchange the statue, commission the
1 30 creation of a new statue, and make all arrangements with the
1 31 architect of the United States capitol necessary for the new
1 32 statue to be put into place.
1 33 3. Provide for the display of the statue, displaced from the
1 34 United States capitol in the rotunda of the Iowa capitol, for
1 35 a minimum period of ten years.



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House File 2059 - Introduced continued

2 1 4. Provide for a perpetual display of the statue displaced
2 2 from the United States capitol at a suitable location within
2 3 Iowa, following the statue's display in the Iowa capitol.
2 4 Sec. 4. NEW SECTION. 303.93 Duties of the department.
2 5 The department of cultural affairs shall provide all
2 6 necessary administrative support for each of the committees and
2 7 shall administer the capitol statuary fund.
2 8 Sec. 5. NEW SECTION. 303.94 Capitol statuary fund.
2 9 A capitol statuary fund is created in the state treasury,
2 10 to be administered by the department of cultural affairs. The
2 11 proceeds of the fund shall be used for the purposes specified
2 12 in section 303.92 and for the perpetual care of all four
2 13 statues. The department may accept gifts, bequests, other
2 14 moneys, including but not limited to state or federal moneys,
2 15 and in-kind contributions for deposit in the fund. The gifts,
2 16 grants, bequests from public and private sources, state and
2 17 federal moneys, and other moneys received by the department
2 18 shall be deposited in the fund. Notwithstanding section 12C.7,
2 19 interest or earnings on moneys in the fund shall be credited
2 20 to the fund. Notwithstanding section 8.33, any unexpended or
2 21 unencumbered moneys remaining in the fund at the end of the
2 22 fiscal year shall not revert to the general fund of the state,
2 23 but shall remain available for expenditure from the fund by the
2 24 department in succeeding fiscal years.

2 25 EXPLANATION

2 26 Under federal law each state is allowed to place two statues
2 27 of its noted personages in statuary hall in the U.S. capitol.
2 28 Federal legislation enacted in 2000, Pub.L. No.106=554,
2 29 provides that any state may request the joint committee on the
2 30 library of congress to approve the replacement of a statue the
2 31 state has provided for display in statuary hall in the U.S.
2 32 capitol.
2 33 This bill provides for the exchange of the statues of Samuel
2 34 Kirkwood and James Harlan, with statues of Alexander Clarke and
2 35 Norman Borlaug.



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House File 2059 - Introduced continued

3 1 The bill creates two seven-member committees which are
3 2 responsible for raising, through donations, all funds necessary
3 3 to make these changes. The committee members will not receive
3 4 any compensation or reimbursement. Staff support is provided
3 5 by the department of cultural affairs.

3 6 The bill creates a capitol statuary fund in the state
3 7 treasury, administered by the department of cultural affairs.
3 8 The fund will finance committee operations, the change in
3 9 statuary, and provide for the perpetual care of all four
3 10 statues.

3 11 Samuel Jordan Kirkwood was Iowa's civil war governor,
3 12 also serving in the U.S. Senate and as the U.S. secretary
3 13 of the interior in 1881=1882. James Harlan was Iowa's first
3 14 superintendent of public instruction, a U.S. senator, and U.S.
3 15 secretary of the department of the interior. Alexander G.
3 16 Clark, the son of emancipated slaves, was a lawyer, newspaper
3 17 editor, and civil rights advocate; in addition, Clark served as
3 18 the U.S. minister to Liberia. Geneticist Dr. Norman E. Borlaug
3 19 developed strains of high-yield wheat and received the Nobel
3 20 Peace Prize as father of the "Green Revolution".

LSB 5466HH (7) 83

jr/rj



Iowa General Assembly
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House File 2060 - Introduced

HOUSE FILE
BY MAY

A BILL FOR

1 An Act providing an exemption from vehicle registration for
2 trailers used in veterans parades.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5335HH (2) 83
dea/nh



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House File 2060 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.18, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 10. Any trailer that is used exclusively
1 4 in parades which are authorized by proper permit from local
1 5 authorities and sponsored by a recognized military veterans
1 6 organization listed in section 35A.2 or 37.2 and that is used
1 7 on city streets or secondary roads only on the day the trailer
1 8 is used in such a parade.

1 9 EXPLANATION

1 10 This bill provides an exemption from vehicle registration
1 11 requirements for a trailer that is used exclusively in
1 12 veterans parades which are sponsored by a recognized veterans
1 13 organization and authorized by local authorities. A trailer
1 14 exempt from registration may be used on city streets or
1 15 secondary roads only on the day it is used in a parade.

LSB 5335HH (2) 83

dea/nh



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House File 2061 - Introduced

HOUSE FILE
BY LYKAM

A BILL FOR

1 An Act relating to a statement of professional recognition
2 for persons qualified as instructors of the junior reserve
3 officer training corps program curriculum.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5379HH (2) 83
kh/sc



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House File 2061 - Introduced continued

PAG LIN

1 1 Section 1. Section 272.2, subsection 10, Code Supplement
1 2 2009, is amended to read as follows:
1 3 10. Issue statements of professional recognition to
1 4 school service personnel who have attained a minimum of
1 5 a baccalaureate degree and who are licensed by another
1 6 professional licensing board or agency, including but not
1 7 limited to ~~athletic~~ the following:
1 8 a. Athletic trainers licensed under chapter 152D.
1 9 b. Persons who have met all of the requirements established
1 10 by the United States department of defense and the applicable
1 11 branch of the armed services for serving as an instructor in
1 12 the junior reserve officer training corps program.

1 13 EXPLANATION
1 14 This bill authorizes the board of educational examiners to
1 15 issue statements of professional recognition to persons who
1 16 have at a minimum attained a baccalaureate degree and who have
1 17 met all of the requirements established by the United States
1 18 department of defense and the applicable branch of the armed
1 19 services for serving as an instructor in the junior reserve
1 20 officer training corps program. Persons who hold a statement
1 21 of professional recognition and who meet the requirements
1 22 specified in Code chapter 284, which establishes the student
1 23 achievement and teacher quality program, are eligible to
1 24 receive teacher salary supplement funds.

LSB 5379HH (2) 83

kh/sc



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House Study Bill 560

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

A BILL FOR

1 An Act relating to the military division of the department of
2 public defense concerning state military service and the
3 Iowa code of military justice.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5062DP (4) 83
ec/nh



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House Study Bill 560 continued

PAG LIN

1 1 Section 1. Section 29A.8A, Code 2009, is amended to read as
1 2 follows:

1 3 29A.8A State military service.

1 4 1. If federal funding and authorization exist for this
1 5 purpose, the governor may order to state military service the
1 6 military forces of the Iowa army national guard or Iowa air
1 7 national guard as the governor may deem appropriate for the
1 8 purposes of homeland security, homeland defense, or other duty.

1 9 2. A state employee shall take either a full day's leave in
1 10 accordance with section 29A.28 or eight hours of compensatory
1 11 time on a day in which the state employee receives a full day's
1 12 pay from federal funds for ~~national guard duty~~ state military
1 13 service.

1 14 3. When performing state military service, the adjutant
1 15 general, a deputy adjutant general, or the state quartermaster
1 16 shall not be considered a state employee, except for purposes
1 17 of the Iowa public employees' retirement system, state health
1 18 and dental plans, and other state employee benefits plans.

1 19 Sec. 2. Section 29B.37, Code 2009, is amended to read as
1 20 follows:

1 21 29B.37 Adjutant general may prescribe rules.

1 22 The procedures, including modes of proof, in cases before
1 23 military courts and other military tribunals shall be
1 24 prescribed by the adjutant general by rule, but shall not be
1 25 contrary to or inconsistent with this code. ~~This code shall be~~
~~1 26 construed as to effectuate the general purpose of uniformity~~
~~1 27 so far as practical with the uniform code of military justice,~~
~~1 28 10 U.S.C. ch.47.~~ All courts and other proceedings shall
1 29 be conducted under the procedural rules established under 10
1 30 U.S.C. ch.47 unless otherwise provided in this code.

1 31 Sec. 3. Section 29B.47, subsection 3, Code 2009, is amended
1 32 to read as follows:

1 33 3. Process issued in court=martial cases to compel
1 34 witnesses to appear and testify and to compel the production
1 35 of other evidence shall run to any part of the ~~state~~ United



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2 1 States and shall be executed by civil officers as prescribed by
2 2 laws of the ~~state~~ United States or the place where the witness
2 3 or evidence is located.

2 4 Sec. 4. NEW SECTION. 29B.107A Wrongful use or possession
2 5 of controlled substances.

2 6 1. Any person subject to this code who wrongfully uses,
2 7 possesses, manufactures, distributes, or introduces into an
2 8 installation, vessel, vehicle, or aircraft used by or under
2 9 the control of the armed forces of the United States or of the
2 10 state military forces, a controlled substance shall be punished
2 11 as a court-martial may direct.

2 12 2. For purposes of this section, "controlled substance"
2 13 includes but is not limited to any of the following:

2 14 a. Opium, heroin, cocaine, amphetamine, lysergic acid
2 15 diethylamide, methamphetamine, phencyclidine, barbituric
2 16 acid, and marijuana and any compound or derivative of any such
2 17 substance.

2 18 b. Any substance listed on a schedule of controlled
2 19 substances prescribed by the president of the United States for
2 20 the purposes of the uniform code of military justice, 10 U.S.C.
2 21 ch.47.

2 22 c. Any substance listed in schedules I through V of section
2 23 202 of the federal Controlled Substances Act, 21 U.S.C.{812.

2 24 Sec. 5. NEW SECTION. 29B.130 Uniformity of interpretation.

2 25 This code shall be construed as to effectuate the general
2 26 purpose of uniformity, so far as practical, with the uniform
2 27 code of military justice, 10 U.S.C. ch.47.

2 28 EXPLANATION

2 29 This bill relates to the military division of the department
2 30 of public defense concerning state military service and the
2 31 Iowa code of military justice.

2 32 Code section 29A.8A, concerning state military service, is
2 33 amended to provide that the adjutant general, a deputy adjutant
2 34 general, and the state quartermaster shall not be considered
2 35 state employees while performing state military service except



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3 1 for purposes of the Iowa public employees' retirement system
3 2 and state employee health, dental, and other benefit plans.
3 3 Code section 29B.47, concerning process issued under the
3 4 Iowa code of military justice, is amended to provide that
3 5 process may run to other states, as well as the United States
3 6 and its territories and possessions in accordance with the law
3 7 of the place where the witness or evidence sought is located.
3 8 New Code section 29B.107A adds an additional punitive
3 9 article to the Iowa code of military justice relating to
3 10 wrongful use, possession, distribution, or manufacture of
3 11 certain controlled substances. The bill defines controlled
3 12 substances to include opium, heroin, cocaine, amphetamine,
3 13 lysergic acid diethylamide, methamphetamine, phencyclidine,
3 14 barbituric acid, and marijuana and any compounds or
3 15 derivatives, substances specified by the president as
3 16 controlled substances for purposes of the uniform code of
3 17 military justice, and substances listed in schedules I through
3 18 V of section 202 of the federal Controlled Substances Act.
3 19 The bill also moves language concerning interpreting the
3 20 Iowa code of military justice consistently with the federal
3 21 uniform code of military justice from Code section 29B.37 to
3 22 new Code section 29B.130.

LSB 5062DP (4) 83

ec/nh



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House Study Bill 561

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF
EDUCATION/COLLEGE STUDENT AID
COMMISSION BILL)

A BILL FOR

- 1 An Act relating to the resumption of tuition grant eligibility.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5341XD (5) 83
kh/nh



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House Study Bill 561 continued

PAG LIN

1 1 Section 1. Section 261.11, Code 2009, is amended to read as
1 2 follows:

1 3 261.11 Extent of grant.

1 4 A qualified full-time resident student may receive tuition
1 5 grants for not more than eight semesters of undergraduate study
1 6 or the trimester or quarter equivalent. A qualified part-time
1 7 resident student may receive tuition grants for not more than
1 8 sixteen semesters of undergraduate study or the trimester
1 9 or quarter equivalent. However, a person who previously
1 10 received tuition grants and who resumes study after an absence
1 11 from postsecondary education studies of not less than four
1 12 consecutive years and who meets the requirements established
1 13 pursuant to section 261.10 shall regain eligibility for tuition
1 14 grants to the full extent specified in this section.

1 15 Sec. 2. Section 261.86, subsection 3, Code 2009, is amended
1 16 to read as follows:

1 17 3. a. An eligible member of the national guard, attending
1 18 an institution as provided in subsection 1, paragraph "d", as
1 19 a full-time student, shall not receive educational assistance
1 20 under this section for more than eight semesters, or if
1 21 attending as a part-time student for not more than sixteen
1 22 semesters, of undergraduate study, or the trimester or quarter
1 23 equivalent.

1 24 b. A national guard member who has met the educational
1 25 requirements for a baccalaureate degree is ineligible for
1 26 educational assistance under this section.

1 27 c. Notwithstanding paragraph "a", an eligible member of the
1 28 national guard who previously received educational assistance
1 29 under this section and who resumes study after an absence
1 30 from postsecondary education studies of not less than four
1 31 consecutive years shall regain eligibility for educational
1 32 assistance under this section to the full extent specified in
1 33 paragraph "a".

1 34 Sec. 3. Section 261.94, Code 2009, is amended to read as
1 35 follows:



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2 1 261.94 Extent of grant.

2 2 A qualified full-time resident student may receive grants

2 3 for not more than eight semesters of undergraduate study or

2 4 the trimester or quarter equivalent. A qualified part-time

2 5 resident student may receive grants for not more than sixteen

2 6 semesters of undergraduate study or the trimester or quarter

2 7 equivalent. However, a person who previously received grants

2 8 and who resumes study after an absence from postsecondary

2 9 education studies of not less than four consecutive years and

2 10 who meets the requirements established pursuant to section

2 11 261.93 shall regain eligibility for tuition grants to the full

2 12 extent specified in this section.

2 13 EXPLANATION

2 14 This bill permits a person who was receiving an Iowa tuition

2 15 grant, an Iowa grant, or national guard educational assistance

2 16 and who abandoned postsecondary educational studies for not

2 17 less than four consecutive years, to regain eligibility for

2 18 the full extent of the Iowa tuition grant, Iowa grant, or

2 19 national guard educational assistance, whether or not the

2 20 person received Iowa tuition grant, Iowa grant, or national

2 21 guard educational assistance moneys prior to the person's

2 22 minimum four-year absence from postsecondary education studies.

2 23 The full extent of grant or tuition assistance is up to eight

2 24 full-time, or 16 part-time, semesters of undergraduate study,

2 25 or the trimester or quarter equivalent.

LSB 5341XD (5) 83

kh/nh



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House Study Bill 562

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

A BILL FOR

1 An Act governing residential electrical installations, and
2 establishing a fee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5423DP (4) 83
rn/rj



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House Study Bill 562 continued

PAG LIN

1 1 Section 1. Section 103.1, Code Supplement 2009, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 12A. "Residential electrical contractor"
1 4 means a person affiliated with an electrical contracting firm
1 5 or business who is, or who employs a person who is, licensed by
1 6 the board as a residential master electrician and who is also
1 7 registered with the state of Iowa as a contractor pursuant to
1 8 chapter 91C.

1 9 Sec. 2. Section 103.1, subsection 13, Code Supplement 2009,
1 10 is amended to read as follows:

1 11 13. "Residential electrician" means a person having the
1 12 necessary qualifications, training, experience, and technical
1 13 knowledge to perform a residential installation and to
1 14 supervise apprentice electricians.

1 15 Sec. 3. Section 103.1, subsection 15, Code Supplement 2009,
1 16 is amended to read as follows:

1 17 15. "Residential master electrician" means a person having
1 18 the necessary qualifications, training, experience, and
1 19 technical knowledge to properly plan, lay out, and supervise
1 20 the performance of a residential installation and who is
1 21 licensed by the board.

1 22 Sec. 4. Section 103.6, subsection 1, paragraph b,
1 23 subparagraph (2), Code 2009, is amended to read as follows:

1 24 (2) Is an electrical contractor or a residential electrical
1 25 contractor and fails or refuses to provide and keep in force a
1 26 public liability insurance policy and surety bond as required
1 27 by the board.

1 28 Sec. 5. Section 103.8, Code 2009, is amended to read as
1 29 follows:

1 30 103.8 Activities where license required == exceptions.

1 31 1. No person, except a person licensed as an electrical
1 32 contractor or a residential electrical contractor, shall engage
1 33 in the business of providing new electrical installations or
1 34 any other electrical services regulated under this chapter.

1 35 2. Except as provided in sections 103.13 and 103.14,



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House Study Bill 562 continued

2 1 no person shall, for another, plan, lay out, or supervise
2 2 the installation of wiring, apparatus, or equipment for
2 3 electrical light, heat, power, and other purposes unless the
2 4 person is licensed by the board as an electrical contractor,
2 5 a residential electrical contractor, a class A master
2 6 electrician, ~~or~~ a class B master electrician, or a residential
2 7 master electrician.

2 8 Sec. 6. Section 103.11, Code 2009, is amended to read as
2 9 follows:

2 10 103.11 Wiring or installing == supervising apprentices ==
2 11 license required == qualifications.

2 12 Except as provided in section 103.13, ~~no~~ a person shall
2 13 not, for another, wire for or install electrical wiring,
2 14 apparatus, or equipment, or supervise an apprentice electrician
2 15 or unclassified person, unless the person is licensed by the
2 16 board as an electrical contractor or residential electrical
2 17 contractor, a class A master electrician, ~~or~~ a class B master
2 18 electrician, ~~or is licensed as~~ a class A journeyman electrician
2 19 or a class B journeyman electrician, or a residential master
2 20 electrician or a residential electrician, and is employed
2 21 by an electrical contractor or a residential electrical
2 22 contractor, or is working under the supervision of a class
2 23 A master electrician, ~~or~~ a class B master electrician, or a
2 24 residential master electrician.

2 25 Sec. 7. Section 103.12A, Code Supplement 2009, is amended
2 26 to read as follows:

~~2 27 103.12A Residential electrician and residential master~~
~~2 28 electrician license installations == licenses == qualifications.~~

~~2 29 1. The board may by rule provide for the issuance of a~~
~~2 30 residential electrician license, and may by rule provide for~~
~~2 31 the issuance of a residential master electrician license, and a~~
2 32 residential electrical contractor license.

~~2 33 a. A residential electrician license or residential~~
~~2 34 master electrician license provided for in subsection 1, if~~
2 35 established by the board, shall be issued to applicants who



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3 1 meet qualifications determined by the board, and shall be valid
3 2 for the performance of residential installations, subject to
3 3 limitations or restrictions established by the board.

3 4 b. A person who, on or after July 1, 2009, holds a special
3 5 electrician license authorizing residential electrical
3 6 installation, granted pursuant to section 103.13, shall be
3 7 eligible for conversion of that special license to either
3 8 a residential electrician license or a residential master
3 9 electrician license, if established by the board, in accordance
3 10 with requirements and procedures established by the board.

3 11 2. A person licensed by the board as a class A journeyman
3 12 electrician or a class B journeyman electrician, or as a class
3 13 A master electrician or a class B master electrician, shall not
3 14 be required to hold a residential electrician or residential
3 15 master electrician license to perform any type of residential
3 16 installation authorized for a person licensed pursuant to this
3 17 section.

3 18 3. A person licensed by the board as an electrical
3 19 contractor shall not be required to hold a residential
3 20 electrical contractor license to perform any type of
3 21 residential installation authorized for a person licensed
3 22 pursuant to this section.

3 23 ~~3.~~ 4. The board may reject an application for licensure
3 24 under this section from an applicant who would be subject
3 25 to suspension, revocation, or reprimand pursuant to section
3 26 103.35.

3 27 Sec. 8. Section 103.13, subsection 2, Code Supplement 2009,
3 28 is amended to read as follows:

3 29 2. Notwithstanding section 103.8, a person who holds a
3 30 special electrician license is not required to obtain an
3 31 electrical contractor license or a residential electrical
3 32 contractor license to engage in the business of providing new
3 33 electrical installations or any other electrical services if
3 34 such installations or services fall within the limited class of
3 35 special electrical work for which the person holds the special



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4 1 electrician license.

4 2 Sec. 9. Section 103.15, subsection 1, Code Supplement 2009,
4 3 is amended to read as follows:

4 4 1. A person shall be licensed by the board and pay a
4 5 licensing fee to work as an apprentice electrician while
4 6 participating in an apprenticeship training program registered
4 7 by the bureau of apprenticeship and training of the United
4 8 States department of labor in accordance with the standards
4 9 established by that department. An apprenticeship shall
4 10 be limited to six years from the date of licensure, unless
4 11 extended by the board upon a finding that a hardship existed
4 12 which prevented completion of the apprenticeship program. Such
4 13 licensure shall entitle the licensee to act as an apprentice
4 14 to an electrical contractor, a class A master electrician, a
4 15 class B master electrician, a class A journeyman electrician,
4 16 ~~or~~ a class B journeyman electrician, a residential electrical
4 17 contractor, a residential master electrician, or a residential
4 18 electrician as provided in subsection 3.

4 19 Sec. 10. Section 103.19, subsection 1, paragraph a,
4 20 subparagraph (1), Code Supplement 2009, is amended to read as
4 21 follows:

4 22 (1) Electrical contractor or residential electrical
4 23 contractor, one hundred twenty-five dollars.

4 24 Sec. 11. Section 103.20, subsection 2, Code 2009, is amended
4 25 to read as follows:

4 26 2. Upon the death of an electrical contractor, a class
4 27 A master electrician, ~~or~~ a class B master electrician, a
4 28 residential electrical contractor, or a residential master
4 29 electrician, the board may permit a representative to carry on
4 30 the business of the decedent for a period not to exceed six
4 31 months for the purpose of completing work under contract to
4 32 comply with this chapter. Such representative shall furnish
4 33 all public liability and property damage insurance required by
4 34 the board.



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House Study Bill 562 continued

5 1 Sec. 12. Section 103.33, subsection 3, Code Supplement
5 2 2009, is amended to read as follows:
5 3 3. Upon receipt of notice of appeal from a condemnation
5 4 or disconnection order because the electrical installation is
5 5 not in compliance with accepted standards of construction for
5 6 safety to health and property, except as provided in subsection
5 7 2, the order appealed from shall be stayed until final decision
5 8 of the board and the board shall notify the property owner and
5 9 the electrical contractor, class A master electrician, class B
5 10 master electrician, fire alarm installer, special electrician,
5 11 ~~or if established by the board the residential electrical~~
5 12 contractor, or residential master electrician, making the
5 13 installation. The power supplier shall also be notified in
5 14 those instances in which the order has been served on such
5 15 supplier.

5 16 Sec. 13. Section 103.39, subsection 1, paragraph b, Code
5 17 2009, is amended to read as follows:
5 18 b. Uses or employs the words "electrical contractor",
5 19 "class A master electrician", "class B master electrician",
5 20 "class A journeyman electrician", ~~or~~ "class B journeyman
5 21 electrician", "residential electrical contractor", "residential
5 22 master electrician", or "residential electrician", or implies
5 23 authorization to provide or offer those services, or otherwise
5 24 uses or advertises any title, word, figure, sign, card,
5 25 advertisement, or other symbol or description tending to convey
5 26 the impression that the person is an "electrical contractor",
5 27 "class A master electrician", "class B master electrician",
5 28 "class A journeyman electrician", ~~or~~ "class B journeyman
5 29 electrician", "residential electrical contractor", "residential
5 30 master electrician", or "residential electrician".

EXPLANATION

5 31
5 32 This bill adds a new licensure classification and modifies
5 33 requirements applicable to existing classifications with regard
5 34 to residential electrical installations authorized in Code
5 35 chapter 103.



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House Study Bill 562 continued

6 1 The bill establishes the new licensure classification of
6 2 residential electrical contractor, defined to mean a person
6 3 affiliated with an electrical contracting firm or business who
6 4 is, or who employs a person who is, licensed by the board as
6 5 a residential master electrician and who is also registered
6 6 with the state of Iowa as a contractor pursuant to Code
6 7 chapter 91C. The bill modifies the definition of a residential
6 8 electrician to authorize the supervision of apprentice
6 9 electricians; and clarifies with respect to the definitions of
6 10 both this definition and the definition of a residential master
6 11 electrician that such persons are licensed by the board, in
6 12 order to be consistent with the other licensure classification
6 13 definitions established in the Code chapter.

6 14 The bill makes changes to existing residential installation
6 15 provisions and other provisions in the Code chapter
6 16 consistent with the new licensure classification, and
6 17 adds each residential licensure classification to the
6 18 list of classifications authorized to supervise apprentice
6 19 electricians.

6 20 The bill prescribes a fee for the issuance and renewal of
6 21 a residential electrical contractor license. The bill also
6 22 applies the residential electrical installation licensure
6 23 classifications, as appropriate, to provisions regarding
6 24 continuation of business upon death, notification of appeal
6 25 from a condemnation or disconnection order, and applicable
6 26 civil penalties.

LSB 5423DP (4) 83

rn/rj



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House Study Bill 563

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND CAMPAIGN
DISCLOSURE BOARD BILL)

A BILL FOR

1 An Act relating to campaign finance requirements and reporting.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5239DP (8) 83
jr/sc



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House Study Bill 563 continued

PAG LIN

1 1 Section 1. Section 68A.102, subsection 18, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 "Political committee" means ~~either~~ any of the following:
1 4 Sec. 2. Section 68A.102, subsection 18, Code 2009, is
1 5 amended by adding the following new paragraph:
1 6 NEW PARAGRAPH. c. A person, other than an individual,
1 7 that accepts contributions in excess of seven hundred fifty
1 8 dollars in the aggregate, makes expenditures in excess of seven
1 9 hundred fifty dollars in the aggregate, or incurs indebtedness
1 10 in excess of seven hundred fifty dollars in the aggregate in
1 11 any one calendar year to expressly advocate that an individual
1 12 should or should not seek election to a public office prior
1 13 to the individual becoming a candidate as defined in section
1 14 68A.102, subsection 4.
1 15 Sec. 3. Section 68A.202, subsection 2, Code 2009, is amended
1 16 to read as follows:
1 17 2. a. A political committee shall not be established to
1 18 expressly advocate the nomination, election, or defeat of only
1 19 one candidate for office. However, a political committee may
1 20 be established to expressly advocate the passage or defeat of
1 21 approval of a single judge standing for retention. A permanent
1 22 organization, as defined in section 68A.402, subsection 9, may
1 23 make a one-time contribution to only one candidate for office
1 24 in excess of seven hundred fifty dollars.
1 25 b. The prohibition in paragraph "a" does not apply to a
1 26 political committee described in section 68A.102, subsection
1 27 18, paragraph "c", until the individual becomes a candidate for
1 28 public office. A political committee organized to expressly
1 29 advocate that an individual should or should not seek election
1 30 to a public office prior to the individual becoming a candidate
1 31 for public office shall be dissolved when the individual
1 32 becomes a candidate for public office.
1 33 Sec. 4. Section 68A.304, Code 2009, is amended by adding the
1 34 following new subsection:
1 35 NEW SUBSECTION. 4. The board shall adopt rules pursuant to



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House Study Bill 563 continued

2 1 chapter 17A defining "fair market value" for purposes of this
2 2 section.

2 3 Sec. 5. Section 68A.402, subsection 3, Code Supplement
2 4 2009, is amended by adding the following new paragraph:
2 5 NEW PARAGRAPH. c. Only a candidate who is eligible to
2 6 participate in a runoff election is required to file a report
2 7 five days before the runoff election.

2 8 Sec. 6. Section 68A.402, subsection 9, Code Supplement
2 9 2009, is amended to read as follows:

2 10 9. Permanent organizations. A permanent organization
2 11 temporarily engaging in activity described in section 68A.102,
2 12 subsection 18, shall organize a political committee and
2 13 shall keep the funds relating to that political activity
2 14 segregated from its operating funds. The political committee
2 15 shall file reports on the appropriate due dates as required
2 16 by this section. The reports filed under this subsection
2 17 shall identify the source of the original funds used
2 18 for a contribution made to a candidate or a ~~candidate's~~
~~2 19 committee~~ committee organized under this chapter. When the
2 20 permanent organization ceases to be involved in the political
2 21 activity, the permanent organization shall dissolve the
2 22 political committee. As used in this subsection, "permanent
2 23 organization" means an organization that is continuing, stable,
2 24 and enduring, and was originally organized for purposes other
2 25 than engaging in election activities.

2 26 Sec. 7. Section 68A.405, subsection 2, paragraph b, Code
2 27 Supplement 2009, is amended to read as follows:

2 28 b. Small items upon which the inclusion of the statement
2 29 is impracticable including, but not limited to, campaign signs
2 30 as provided in section 68A.406, subsection 3, bumper stickers,
2 31 pins, buttons, pens, political business cards, and matchbooks.

2 32 Sec. 8. Section 68A.503, subsection 2, paragraph d, Code
2 33 Supplement 2009, is amended to read as follows:

2 34 d. The board shall adopt rules prohibiting the owner,
2 35 publisher, or editor of a sham newspaper from using the



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3 1 sham newspaper to promote in any way the candidacy of ~~such~~
~~3 2 a~~ any person for any public office. As used in this paragraph,
3 3 "sham newspaper" means a newspaper that does not meet the
3 4 requirements set forth in section 618.3 and "owner" means a
3 5 person having an ownership interest exceeding ten percent of
3 6 the equity or profits of the newspaper.

3 7 EXPLANATION

3 8 This bill makes a number of changes to Code chapter 68A
3 9 relating to campaign finance requirements and reporting.

3 10 The bill revises the definition of "political committee" to
3 11 include any corporation, government or governmental subdivision
3 12 or agency, business trust, estate, trust, partnership
3 13 or association, labor union, or any other legal entity
3 14 which accepts contributions, makes expenditures, or incurs
3 15 indebtedness in excess of \$750 in any one calendar year, to
3 16 expressly advocate that an individual should or should not seek
3 17 election to a public office prior to the individual becoming a
3 18 candidate.

3 19 Code section 68A.202, subsection 2, currently provides that
3 20 a PAC cannot expressly advocate the nomination, election, or
3 21 defeat of only one candidate for office, but a PAC may be
3 22 established to expressly advocate the passage or defeat of
3 23 approval of a single judge standing for retention. The bill
3 24 amends this section to apply the prohibition against advocacy
3 25 only to actual candidates for election as defined in Code
3 26 section 68A.102.

3 27 The bill provides the ethics and campaign finance disclosure
3 28 board with rulemaking authority to define the term "fair market
3 29 value" as that term relates to the disposition of campaign
3 30 property.

3 31 The bill provides that only a candidate actually
3 32 participating in a runoff election is required to file a report
3 33 five days before the runoff election.

3 34 Code section 68A.402 in part requires that permanent
3 35 organizations temporarily engaging in certain political



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4 1 activity shall organize a political committee. The bill
4 2 provides that contributions to any committee constitutes
4 3 political activity and must be reported.
4 4 Code section 68A.503 prohibits the owner, publisher, or
4 5 editor of a sham newspaper from using the sham newspaper to
4 6 promote that person's own candidacy for public office. The
4 7 bill extends that prohibition to include the candidacy of any
4 8 person.

LSB 5239DP (8) 83

jr/sc



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House Study Bill 564

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

A BILL FOR

1 An Act relating to the licensure of persons engaged in fire
2 protection system installation, maintenance, repair,
3 service, or inspection.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5421DP (5) 83
jr/rj



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1 1 Section 1. Section 100C.6, subsection 4, Code Supplement
1 2 2009, is amended to read as follows:
1 3 4. Relieve any person engaged in fire ~~sprinkler~~ protection
1 4 system installation, maintenance, repair, service, or
1 5 inspection as defined in section 100D.1 from obtaining a fire
1 6 ~~sprinkler~~ protection system installer and maintenance worker
1 7 license as required pursuant to chapter 100D.
1 8 Sec. 2. Section 100D.1, subsections 1, 5, and 8, Code
1 9 Supplement 2009, are amended to read as follows:
1 10 1. "Apprentice ~~sprinkler fitter~~" fire protection system
1 11 installer and maintenance worker" means a person who is
1 12 registered in an apprenticeship program approved by the
1 13 United States department of labor who is engaged in learning
1 14 the fire protection system industry trade under the direct
1 15 supervision of a responsible managing employee of a certified
1 16 fire extinguishing system contractor or licensed fire
1 17 sprinkler protection system installer and maintenance worker
1 18 and who is registered with the United States department of
1 19 labor, office of apprenticeship other than a trainee.
1 20 5. "Fire protection system" means a sprinkler, standpipe,
1 21 hose system, special hazard system, dry systems, foam systems,
1 22 or any water-based fire protection system, ~~either~~ whether
1 23 engineered or pre-engineered and whether manual or
1 24 automatically activated, used for fire protection purposes
1 25 that is composed of which may include an integrated system of
1 26 underground and overhead piping and which may be connected to
1 27 a water source. For licensing purposes only "fire protection
1 28 system" does not include the water service piping to a structure
1 29 or building from a city water main.
1 30 8. "Fire ~~sprinkler~~ protection system installer and
1 31 maintenance worker" means a person who, having the necessary
1 32 qualifications, training, experience, and technical knowledge,
1 33 conducts fire protection system installation and maintenance,
1 34 and who is licensed by the department.



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2 1 Sec. 3. Section 100D.1, Code Supplement 2009, is amended by
2 2 adding the following new subsections:

2 3 NEW SUBSECTION. 9. "Responsible managing employee" means
2 4 an owner, partner, officer, or manager employed full-time
2 5 by a fire extinguishing system contractor who is certified
2 6 by the national institute for certification in engineering
2 7 technologies at a level three in fire protection technology,
2 8 automatic sprinkler system layout, or another certification in
2 9 automatic sprinkler system layout recognized by rules adopted
2 10 by the fire marshal pursuant to section 100C.7 or who meets any
2 11 other criteria established by rule.

2 12 NEW SUBSECTION. 10. "Trainee" means a person who is engaged
2 13 in learning the fire protection system industry trade under
2 14 the direct supervision of a responsible managing employee of a
2 15 certified fire extinguishing system contractor or licensed fire
2 16 protection system installer and maintenance worker and who is
2 17 not registered with the United States department of labor.

2 18 Sec. 4. Section 100D.2, subsections 1 and 2, Code Supplement
2 19 2009, are amended to read as follows:

2 20 1. On or after January 1, 2010, a person shall not perform
2 21 fire protection system installations or fire protection
2 22 system maintenance without holding a current, valid fire
2 23 ~~sprinkler~~ protection system installer and maintenance worker
2 24 license issued pursuant to this chapter, ~~with the following~~
2 25 exceptions:

2 26 a. An employee of a fire extinguishing system contractor
2 27 working as an apprentice ~~sprinkler fitter~~ fire protection
2 28 system installer and maintenance worker performing fire
2 29 protection system installation or maintenance under the
2 30 direct supervision of an on-site responsible managing employee
2 31 or licensed fire ~~sprinkler~~ protection system installer and
2 32 maintenance worker is not required to hold a current, valid
2 33 fire ~~sprinkler~~ protection system installer and maintenance
2 34 worker license.

2 35 b. ~~A person who installs or demolishes walls, ceilings,~~



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~~3 1 flooring, insulation, or associated materials or a person who
3 2 demolishes ~~sprinkler pipe~~ fire protection system components is
3 3 not subject to the provisions of this chapter ~~except~~ when the
3 4 work involves a complete sprinkler system. A person is not
3 5 required to be licensed in order to demolish part of a system
3 6 or a partial system, provided that the system is taken out of
3 7 service. If a system is restored to service after having been
3 8 taken out of service, the restoration work must be performed
3 9 by a person licensed pursuant to this chapter or a responsible
3 10 managing employee.~~

~~3 11 c. A person who is a responsible managing employee of a
3 12 fire extinguishing system contractor is not required to hold a
3 13 current, valid fire ~~sprinkler~~ protection system installer and
3 14 maintenance worker license, in order to perform fire protection
3 15 system installations or maintenance.~~

~~3 16 d. A trainee who works at all times under the direct
3 17 supervision of a licensed fire protection system installer and
3 18 maintenance worker, other than an unclassified person, may
3 19 be licensed to work on either special hazard fire protection
3 20 systems, pre-engineered fire protection systems, or both, but
3 21 shall not be licensed to perform installation or maintenance on
3 22 an engineered water-based fire protection system. A trainee
3 23 license may be renewed once and a person may work as a trainee
3 24 for a maximum of four years.~~

~~3 25 2. A licensed fire ~~sprinkler~~ protection system installer
3 26 and maintenance worker must be present at all locations
3 27 and at all times when fire protection system installation
3 28 work is being performed. At least one licensed fire
3 29 ~~sprinkler~~ protection system installer and maintenance
3 30 worker must be present for every three apprentice ~~sprinkler
3 31 fitters~~ fire protection system installers and maintenance
3 32 workers or trainees performing work related to fire protection
3 33 system installation.~~

~~3 34 Sec. 5. Section 100D.2, subsection 6, Code Supplement 2009,
3 35 is amended by striking the subsection.~~



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4 1 Sec. 6. Section 100D.3, Code Supplement 2009, is amended to
4 2 read as follows:

4 3 100D.3 Fire ~~sprinkler~~ protection system installer and
4 4 maintenance worker license.

4 5 1. The state fire marshal shall issue a fire ~~sprinkler~~
4 6 protection system installer and maintenance worker license to
4 7 an applicant who meets all of the following requirements:

4 8 ~~a. Possesses a minimum of four years of employment~~
4 9 ~~experience as an apprentice sprinkler fitter.~~

4 10 ~~b. a. Has completed a United States department of~~
4 11 ~~labor fire protection apprenticeship program approved by the~~
4 12 ~~United States department of labor, or has completed two years~~
4 13 ~~of full-time employment or the equivalent thereof as a trainee.~~

4 14 ~~e. b.~~ Is employed by a fire extinguishing system
4 15 contractor. However, an applicant whose work on extinguishing
4 16 systems will be restricted to systems on property owned or
4 17 controlled by the applicant's employer may obtain a license if
4 18 the employer is not a certified contractor.

4 19 ~~d. c.~~ Has received a passing score on the national
4 20 inspection, testing, and certification star fire sprinkler
4 21 mastery exam or on an equivalent exam from a nationally
4 22 recognized third-party testing agency that is approved by
4 23 the state fire marshal, or is certified at level one by
4 24 the national institute for certification in engineering
4 25 technologies ~~based on general work elements, as defined~~
4 26 ~~by the national institute for certification in engineering~~
4 27 ~~technologies,~~ and as specified by rule by the state fire
4 28 marshal, or is certified by another entity approved by the fire
4 29 marshal.

4 30 2. The holder of a fire ~~sprinkler~~ protection system
4 31 installer and maintenance worker license shall be responsible
4 32 for license fees, renewal fees, and continuing education hours.

4 33 3. The license of a fire ~~sprinkler~~ protection system
4 34 installer and maintenance worker licensee who ceases to be
4 35 employed by a fire extinguishing system contractor shall



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5 1 continue to be valid until it would otherwise expire, but the
5 2 licensee shall not perform work requiring licensure under
5 3 this chapter until the licensee is again employed by a fire
5 4 extinguishing system contractor. If the licensee becomes
5 5 employed by a fire extinguishing system contractor other than
5 6 the contractor which employed the licensee at the time the
5 7 license was issued, the licensee shall notify the fire marshal
5 8 and shall apply for an amendment to the license. The fire
5 9 marshal may establish by rule a fee for amending a license.
5 10 This subsection shall not extend the time period during which a
5 11 license is valid. This subsection does not apply to a licensee
5 12 whose work on extinguishing systems is restricted to systems on
5 13 property owned or controlled by the licensee's employer.
5 14 4. The fire marshal, by rule, may restrict the scope of work
5 15 authorized by a license.

5 16 Sec. 7. Section 100D.4, subsections 1 and 2, Code Supplement
5 17 2009, are amended to read as follows:

5 18 1. An applicant for a fire ~~sprinkler~~ protection
5 19 system installer and maintenance worker license or renewal of
5 20 an active license shall provide evidence of a public liability
5 21 insurance policy and surety bond in an amount determined
5 22 sufficient by the fire marshal by rule.

5 23 2. If the applicant is engaged in fire ~~sprinkler~~ protection
5 24 system installer and maintenance worker work individually
5 25 through a business conducted as a sole proprietorship, the
5 26 applicant shall personally obtain the insurance and surety
5 27 bond required by this section. If the applicant is engaged in
5 28 the fire ~~sprinkler~~ protection system installer and maintenance
5 29 worker business as an employee or owner of a legal entity,
5 30 then the insurance and surety bond required by this section
5 31 shall be obtained by the entity and shall cover all fire
5 32 ~~sprinkler~~ protection system installer and maintenance worker
5 33 work performed by the entity.

5 34 Sec. 8. Section 100D.5, subsection 1, Code Supplement 2009,
5 35 is amended to read as follows:



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6 1 1. ~~Adopt~~ After consultation with the fire extinguishing
6 2 system contractors and alarm systems advisory board established
6 3 pursuant to section 100C.10, adopt rules pursuant to chapter
6 4 17A necessary for the administration and enforcement of this
6 5 chapter.

6 6 Sec. 9. Section 100D.8, Code Supplement 2009, is amended to
6 7 read as follows:

6 8 100D.8 Provisional licensure.

6 9 1. An applicant for licensure under this chapter as a fire
6 10 ~~sprinkler~~ protection system installer and maintenance worker
6 11 who possesses a minimum of four years of experience as an
6 12 apprentice ~~sprinkler fitter~~ fire protection system installer
6 13 and maintenance worker and who has not successfully passed the
6 14 licensure examination or achieved certification as required
6 15 pursuant to section 100D.3 by January 1, 2010, shall be issued
6 16 a license as a fire ~~sprinkler~~ protection system installer and
6 17 maintenance worker for a period ending no later than ~~June~~
6 18 ~~30 December 31, 2010.~~ A provisional license shall be granted
6 19 upon presentation of satisfactory evidence to the fire marshal
6 20 demonstrating experience and competency in conducting fire
6 21 protection system installations and fire protection system
6 22 maintenance according to criteria to be determined by the fire
6 23 marshal in rule.

6 24 2. An applicant issued a provisional license pursuant
6 25 to this section shall pass the licensure examination or
6 26 achieve certification on or before ~~June 30 December 31, 2010,~~
6 27 in order to remain licensed as a fire ~~sprinkler~~ protection
6 28 system installer and maintenance worker. A provisional license
6 29 fee shall be established by the fire marshal by rule. No
6 30 provisional licenses shall be issued after ~~April~~ July 1, 2010.

6 31 Sec. 10. Section 100D.9, subsection 1, Code Supplement
6 32 2009, is amended to read as follows:

6 33 1. An applicant for licensure under this chapter, who
6 34 is employed as a fire ~~sprinkler~~ protection system installer
6 35 and maintenance worker as of July 1, 2008, shall be issued



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7 1 a license upon presentation of satisfactory evidence to the
7 2 department of at least eight thousand five hundred hours of
7 3 experience as a fire ~~sprinkler~~ protection system installer and
7 4 maintenance worker and one of the following:

7 5 a. Presentation of a certificate of completion of a ~~United~~
~~7 6 States department of labor, office of apprenticeship, four-year~~
7 7 or five-year protection system apprenticeship program, approved
7 8 by the United States department of labor.

7 9 b. A passing score on the national inspection, testing and
7 10 certification star fire sprinkler mastery exam or an equivalent
7 11 exam from a nationally recognized third-party testing agency
7 12 that is approved by the state fire marshal.

7 13 c. Certification, ~~based upon general work elements,~~
~~7 14 as defined by the national institute for certification in~~
~~7 15 engineering technologies, at level I by the national institute~~
7 16 for certification in engineering technologies, ~~and or another~~
7 17 entity as specified by rule by the state fire marshal.

7 18 Sec. 11. Section 100D.10, Code Supplement 2009, is amended
7 19 to read as follows:

7 20 100D.10 Reciprocal licenses.

7 21 To the extent that another state provides for the licensing
7 22 of fire ~~sprinkler~~ protection system installers and maintenance
7 23 workers or similar action, the state fire marshal may issue
7 24 a fire ~~sprinkler~~ protection system installer and maintenance
7 25 worker license, without examination, to a nonresident fire
7 26 ~~sprinkler~~ protection system installer and maintenance worker
7 27 who has been licensed by such other state for at least three
7 28 years provided such other state grants the same reciprocal
7 29 licensing privileges to residents of Iowa who have obtained
7 30 a fire ~~sprinkler~~ protection system installer and maintenance
7 31 worker license upon payment by the applicant of the required
7 32 fee and upon furnishing proof that the qualifications of the
7 33 applicant are equal to the qualifications of holders of similar
7 34 licenses in this state.



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8 1 Sec. 12. Section 100D.11, subsection 2, Code Supplement
8 2 2009, is amended to read as follows:
8 3 2. The provisions of this chapter shall not be construed
8 4 to apply to a person employed full time as a custodian for a
8 5 school corporation, hospital, or public facility, who performs
8 6 fire ~~sprinkler~~ protection system maintenance work involving
8 7 no more than one sprinkler head ~~or nozzle~~, provided that the
8 8 person performs work on only one sprinkler head in a building
8 9 within a given day.

8 10 Sec. 13. Section 100D.13, subsection 1, unnumbered
8 11 paragraph 1, Code Supplement 2009, is amended to read as
8 12 follows:

8 13 The state fire marshal may issue a temporary fire
8 14 ~~sprinkler~~ protection system installer and maintenance worker
8 15 license to a person, providing that all of the following
8 16 conditions are met:

8 17 Sec. 14. Section 100D.13, subsection 1, paragraphs a and e,
8 18 Code Supplement 2009, are amended to read as follows:

8 19 a. The person is currently licensed or certified to perform
8 20 work as a fire ~~sprinkler~~ protection system installer and
8 21 maintenance worker in another state.

8 22 e. The person intends to perform work as a fire
8 23 ~~sprinkler~~ protection system installer and maintenance worker
8 24 only in areas of this state which are covered by a disaster
8 25 emergency declaration issued by the governor pursuant to
8 26 section 29C.6.

8 27 Sec. 15. Section 272C.1, subsection 6, paragraph af, Code
8 28 Supplement 2009, is amended to read as follows:

8 29 af. The department of public safety, in licensing fire
8 30 ~~sprinkler~~ protection system installers and maintenance workers
8 31 pursuant to chapter 100D.

8 32 EXPLANATION

8 33 Under current law, persons who perform fire protection
8 34 system installation or fire protection system maintenance must
8 35 be licensed as a fire sprinkler installer and maintenance



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9 1 worker. This bill changes that designation to fire protection
9 2 system installer and maintenance worker.
9 3 The bill also revises apprenticeship requirements for
9 4 trainees. The bill eliminates references to a four-year
9 5 apprenticeship and instead requires completion of a fire
9 6 protection apprenticeship program approved by the United States
9 7 department of labor, or completion of two years of full-time
9 8 employment as a trainee. Under the bill the fire marshal, by
9 9 rule, may restrict the scope of work authorized by a license.
9 10 The bill eliminates a current provision which allows a
9 11 governmental subdivision that administers an inspection program
9 12 relating to the installation of a fire protection system on
9 13 July 31, 2009, to continue that inspection program.
9 14 The bill provides that persons who demolish part of a system
9 15 do not need to be licensed, if the system is taken out of
9 16 service. The bill also allows a company manager to supervise
9 17 the work of an apprentice or to perform system restoration
9 18 work, if the manager is certified in fire protection
9 19 technology.
9 20 The bill extends the period for temporary licensure, pending
9 21 passage of the examination, from June 30, 2010, to December 31,
9 22 2010.

LSB 5421DP (5) 83
jr/rj



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House Study Bill 565

HOUSE FILE

BY (PROPOSED COMMITTEE ON STATE
GOVERNMENT BILL BY CHAIRPERSON
MASCHER)

A BILL FOR

1 An Act concerning state government reorganization and
2 efficiency, making appropriations, establishing fees,
3 establishing criminal penalties, and providing effective and
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5073HC (1) 83
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1 1 DIVISION I
1 2 GOVERNMENT INFORMATION TECHNOLOGY SERVICES
1 3 Section 1. Section 8A.104, subsection 12, Code 2009, is
1 4 amended by striking the subsection.
1 5 Sec. 2. Section 8A.111, subsection 3, Code 2009, is amended
1 6 by striking the subsection.
1 7 Sec. 3. Section 8A.111, subsection 5, Code 2009, is amended
1 8 by striking the subsection.
1 9 Sec. 4. Section 8A.122, subsection 3, Code 2009, is amended
1 10 to read as follows:
1 11 3. The Except for obtaining information technology services
1 12 pursuant to subchapter II, the state board of regents shall
1 13 not be required to obtain any service for the state board of
1 14 regents or any institution under the control of the state board
1 15 of regents that is provided by the department pursuant to this
1 16 chapter without the consent of the state board of regents.
1 17 Sec. 5. Section 8A.201, subsection 1, Code 2009, is amended
1 18 to read as follows:
1 19 1. "Information technology" means computing and electronics
1 20 applications used to process and distribute information in
1 21 digital and other forms and includes information technology
1 22 devices, information technology services, infrastructure
1 23 services, and value-added services.
1 24 Sec. 6. Section 8A.201, Code 2009, is amended by adding the
1 25 following new subsection:
1 26 NEW SUBSECTION. 3A. "Infrastructure services" includes all
1 27 of the following:
1 28 a. Data centers used to support mainframe and other
1 29 computers and their associated components including information
1 30 networks, storage systems, redundant or backup power systems,
1 31 redundant data communications connections, environmental
1 32 controls, and security devices.
1 33 b. Servers, mainframes, or other centralized processing
1 34 systems.
1 35 c. Storage systems, including but not limited to disk, tape,



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2 1 optical, and other structured repositories for storing digital
2 2 information.
2 3 d. Telecommunications networks, sometimes referred to as
2 4 wide area networks, used for the transmission of video, voice,
2 5 and data.
2 6 e. Computer networks commonly referred to as local area
2 7 networks.
2 8 f. Groupware applications used to facilitate collaboration,
2 9 communication, and workflow, including electronic mail,
2 10 directory services, calendaring and scheduling, and imaging
2 11 systems.
2 12 g. Information technology help desk services.
2 13 h. Cyber security functions and equipment.
2 14 i. Digital printing and printing procurement services.
2 15 j. Data warehouses, including services that assist in
2 16 managing and locating digital information.
2 17 k. Disaster recovery technology and services.
2 18 l. Other similar or related services as determined by the
2 19 chief information officer.
2 20 Sec. 7. Section 8A.201, subsection 4, Code 2009, is amended
2 21 by striking the subsection and inserting in lieu thereof the
2 22 following:
2 23 4. "Participating agency" means any state agency.
2 24 Sec. 8. Section 8A.201, subsection 5, Code 2009, is amended
2 25 to read as follows:
2 26 5. "Technology ~~governance board~~ advisory council" means the
2 27 ~~board~~ council established in section 8A.204.
2 28 Sec. 9. NEW SECTION. 8A.201A Chief information officer
2 29 appointed.
2 30 1. A chief information officer shall be appointed by the
2 31 governor to serve at the pleasure of the governor and is
2 32 subject to confirmation by the senate. If the office becomes
2 33 vacant, the vacancy shall be filled in the same manner as
2 34 provided for the original appointment.
2 35 2. The person appointed as the chief information officer



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3 1 for the state shall be professionally qualified by education
3 2 and have no less than five years' experience in the fields
3 3 of information technology and financial management. The
3 4 chief information officer shall not be a member of any local,
3 5 state, or national committee of a political party, an officer
3 6 or member of a committee in any partisan political club or
3 7 organization, or hold or be a candidate for a paid elective
3 8 public office. The chief information officer is subject to the
3 9 restrictions on political activity provided in section 8A.416.
3 10 Sec. 10. Section 8A.202, subsection 2, paragraph g, Code
3 11 2009, is amended to read as follows:
3 12 g. Coordinating and managing the acquisition of information
3 13 technology services by participating agencies in furtherance of
3 14 the purposes of this chapter. The department shall institute
3 15 procedures to ensure effective and efficient compliance
3 16 with the applicable standards established pursuant to this
3 17 subchapter. This subchapter shall not be construed to prohibit
3 18 or limit a participating agency from entering into an agreement
3 19 or contract for information technology with a qualified private
3 20 entity.
3 21 Sec. 11. Section 8A.202, Code 2009, is amended by adding the
3 22 following new subsection:
3 23 NEW SUBSECTION. 4A. Waivers.
3 24 a. The department shall adopt rules allowing for
3 25 participating agencies to seek a temporary or permanent waiver
3 26 from any of the requirements of this subchapter concerning
3 27 the acquisition of information technology. The rules shall
3 28 provide that a waiver may be granted upon a written request by
3 29 a participating agency and approval of the chief information
3 30 officer. A waiver shall only be approved if one of the
3 31 following applies:
3 32 (1) The participating agency shows that it can obtain or
3 33 provide the information technology more economically than the
3 34 information technology can be provided by the department. For
3 35 purposes of determining if the participating agency can obtain



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4 1 or provide the information technology more economically, the
4 2 department shall consider the impact on other participating
4 3 agencies if the waiver is approved or denied.
4 4 (2) The participating agency shows that a waiver would be in
4 5 the best interests of the state.
4 6 b. Prior to approving or denying a request for a waiver, the
4 7 department shall consider all of the following:
4 8 (1) Whether the waiver would violate any state or federal
4 9 law; or any published policy, standard, or requirement
4 10 established by a governing body other than the department.
4 11 (2) Whether the waiver would result in the duplication of
4 12 existing services, resources, or support.
4 13 (3) Whether the waiver would obstruct the state's
4 14 information technology strategic plan, enterprise architecture,
4 15 security plans, or any other information technology policy,
4 16 standard, or requirement.
4 17 (4) Whether the waiver would result in excessive
4 18 expenditures or expenditures above market rates.
4 19 (5) The life cycle of the system or application for which
4 20 the waiver is requested.
4 21 c. Rules adopted pursuant to this subsection relating to a
4 22 request for a waiver, at a minimum, shall provide for all of
4 23 the following:
4 24 (1) The request shall be in writing and signed by the head
4 25 of the participating agency seeking the waiver.
4 26 (2) The request shall include a reference to the specific
4 27 policy, standard, or requirement for which the waiver is
4 28 submitted.
4 29 (3) The request shall include a statement of facts including
4 30 a description of the problem or issue prompting the request;
4 31 the participating agency's preferred solution; an alternative
4 32 approach to be implemented by the participating agency intended
4 33 to satisfy the waived policy, standard, or requirement; the
4 34 business case for the alternative approach; the economic
4 35 justification for the waiver or a statement as to why the



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5 1 waiver is in the best interests of the state; the time period
5 2 for which the waiver is requested; and any other information
5 3 deemed appropriate.
5 4 Sec. 12. Section 8A.203, unnumbered paragraph 1, Code 2009,
5 5 is amended to read as follows:
5 6 The chief information officer, in consultation with
5 7 the director, shall do all of the following as it relates to
5 8 information technology services:
5 9 Sec. 13. Section 8A.203, Code 2009, is amended by adding the
5 10 following new subsections:
5 11 NEW SUBSECTION. 6. Coordinate the internal operations
5 12 of the department as they relate to information technology
5 13 and develop and implement policies and procedures designed to
5 14 ensure the efficient administration of the department as they
5 15 relate to information technology.
5 16 NEW SUBSECTION. 7. Recommend to the director for adoption
5 17 rules deemed necessary for the administration of this
5 18 subchapter in accordance with chapter 17A.
5 19 NEW SUBSECTION. 8. Enter into contracts for the receipt and
5 20 provision of services as deemed necessary.
5 21 NEW SUBSECTION. 9. Exercise and perform such other
5 22 powers and duties related to information technology as may be
5 23 delegated by the director or as may be prescribed by law.
5 24 Sec. 14. Section 8A.204, Code 2009, is amended by striking
5 25 the section and inserting in lieu thereof the following:
5 26 8A.204 Technology advisory council.
5 27 1. Definitions. For purposes of this section, unless the
5 28 context otherwise requires:
5 29 a. "Large agency" means a participating agency with more
5 30 than seven hundred full-time, year-round employees.
5 31 b. "Medium-sized agency" means a participating agency with
5 32 at least seventy or more full-time, year-round employees, but
5 33 not more than seven hundred permanent employees.
5 34 c. "Small agency" means a participating agency with less
5 35 than seventy full-time, year-round employees.



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6 1 2. Membership.
6 2 a. The technology advisory council is composed of ten
6 3 members as follows:
6 4 (1) The chief information officer.
6 5 (2) The director of the department of management, or the
6 6 director's designee.
6 7 (3) Eight members appointed by the governor as follows:
6 8 (a) Three representatives from large agencies.
6 9 (b) Two representatives from medium-sized agencies.
6 10 (c) One representative from a small agency.
6 11 (d) Two public members who are knowledgeable and have
6 12 experience in information technology matters.
6 13 b.(1) Members appointed pursuant to paragraph "a",
6 14 subparagraph (3), shall serve two-year staggered terms. The
6 15 department shall provide, by rule, for the commencement of the
6 16 term of membership for the nonpublic members. The terms of
6 17 the public members shall be staggered at the discretion of the
6 18 governor.
6 19 (2) Sections 69.16, 69.16A, and 69.19 shall apply to the
6 20 public members of the council.
6 21 (3) Public members appointed by the governor are subject to
6 22 senate confirmation.
6 23 (4) Public members appointed by the governor may be eligible
6 24 to receive compensation as provided in section 7E.6.
6 25 (5) Members shall be reimbursed for actual and necessary
6 26 expenses incurred in performance of the members' duties.
6 27 (6) A director, deputy director, or chief financial officer
6 28 of an agency is preferred as an appointed representative
6 29 for each of the agency categories of membership pursuant to
6 30 paragraph "a", subparagraph (3).
6 31 c. The technology advisory council annually shall elect a
6 32 chair and a vice chair from among the members of the council,
6 33 by majority vote, to serve one-year terms.
6 34 d. A majority of the members of the council shall constitute
6 35 a quorum.



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7 1 e. Meetings of the council shall be held at the call of the
7 2 chairperson or at the request of three members.

7 3 3. Powers and duties of the council. The powers and
7 4 duties of the technology advisory council as they relate to
7 5 information technology services shall include but are not
7 6 limited to all of the following:

7 7 a. Advise the chief information officer in developing and
7 8 adopting information technology standards pursuant to sections
7 9 8A.203 and 8A.206 applicable to all agencies.

7 10 b. Make recommendations to the chief information officer
7 11 regarding all of the following:

7 12 (1) Technology utility services to be implemented by the
7 13 department or other agencies.

7 14 (2) Improvements to information technology service
7 15 levels and modifications to the business continuity plan for
7 16 information technology operations developed by the department
7 17 for agencies, and to maximize the value of information
7 18 technology investments by the state.

7 19 (3) Technology initiatives for the executive branch.

7 20 c. Advise the chief information officer regarding rates to
7 21 be charged for access to and for value-added services performed
7 22 through IowAccess.

7 23 Sec. 15. Section 8A.205, subsection 2, paragraph f, Code
7 24 2009, is amended by striking the paragraph and inserting in
7 25 lieu thereof the following:

7 26 f. Assist participating agencies in converting printed
7 27 government materials to electronic materials which can be
7 28 accessed through an internet searchable database.

7 29 Sec. 16. Section 8A.206, subsection 1, Code 2009, is amended
7 30 to read as follows:

7 31 1. The department, ~~in conjunction~~ after consultation with
7 32 the technology ~~governance board~~ advisory council, shall develop
7 33 and adopt information technology standards applicable to the
7 34 procurement of information technology by all participating
7 35 agencies. Such standards, unless waived by the department



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8 1 pursuant to section 8A.202, subsection 4A, shall apply to all
8 2 information technology procurements for participating agencies.
8 3 Sec. 17. Section 8A.207, Code 2009, is amended by adding the
8 4 following new subsection:
8 5 NEW SUBSECTION. 2A. The department shall develop policies
8 6 and procedures that apply to all information technology goods
8 7 and services acquisitions, and shall ensure the compliance
8 8 of all participating agencies. The department shall also be
8 9 the sole provider of infrastructure services for participating
8 10 agencies.
8 11 Sec. 18. Section 8A.221, Code 2009, is amended by striking
8 12 the section and inserting in lieu thereof the following:
8 13 8A.221 IowAccess == duties and responsibilities.
8 14 1. IowAccess. The department shall establish IowAccess as
8 15 a service to the citizens of this state that is the gateway
8 16 for one=stop electronic access to government information and
8 17 transactions, whether federal, state, or local. Except as
8 18 provided in this section, IowAccess shall be a state=funded
8 19 service providing access to government information and
8 20 transactions. The department, in establishing the fees for
8 21 value=added services, shall consider the reasonable cost of
8 22 creating and organizing such government information through
8 23 IowAccess.
8 24 2. Duties. The department shall do all of the following:
8 25 a. Establish rates to be charged for access to and for
8 26 value=added services performed through IowAccess.
8 27 b. Approve and establish the priority of projects
8 28 associated with IowAccess. The determination may also include
8 29 requirements concerning funding for a project proposed by
8 30 a political subdivision of the state or an association,
8 31 the membership of which is comprised solely of political
8 32 subdivisions of the state. Prior to approving a project
8 33 proposed by a political subdivision, the department shall
8 34 verify that all of the following conditions are met:
8 35 (1) The proposed project provides a benefit to the state.



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9 1 (2) The proposed project, once completed, can be shared
9 2 with and used by other political subdivisions of the state, as
9 3 appropriate.
9 4 (3) The state retains ownership of any final product or is
9 5 granted a permanent license to the use of the product.
9 6 c. Establish expected outcomes and effects of the use of
9 7 IowAccess and determine the manner in which such outcomes are
9 8 to be measured and evaluated.
9 9 d. Establish the IowAccess total budget request and
9 10 ensure that such request reflects the priorities and goals of
9 11 IowAccess as established by the department.
9 12 e. Advocate for access to government information and
9 13 services through IowAccess and for data privacy protection,
9 14 information ethics, accuracy, and security in IowAccess
9 15 programs and services.
9 16 f. Receive status and operations reports associated with
9 17 IowAccess.
9 18 3. Data purchasing. This section shall not be construed
9 19 to impair the right of a person to contract to purchase
9 20 information or data from the Iowa court information system
9 21 or any other governmental entity. This section shall not be
9 22 construed to affect a data purchase agreement or contract in
9 23 existence on April 25, 2000.
9 24 Sec. 19. Section 8A.224, subsection 1, Code Supplement
9 25 2009, is amended to read as follows:
9 26 1. An IowAccess revolving fund is created in the state
9 27 treasury. The revolving fund shall be administered by the
9 28 department and shall consist of moneys collected by the
9 29 department as fees, moneys appropriated by the general
9 30 assembly, and any other moneys obtained or accepted by the
9 31 department for deposit in the revolving fund. The proceeds
9 32 of the revolving fund are appropriated to and shall be used
9 33 by the department to maintain, develop, operate, and expand
9 34 IowAccess consistent with this subchapter, and for the support
9 35 of activities of the technology ~~governance board~~ advisory



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10 1 council pursuant to section 8A.204.

10 2 Sec. 20. REPEAL. Section 8A.223, Code 2009, is repealed.

10 3 Sec. 21. DEPARTMENT OF ADMINISTRATIVE SERVICES INFORMATION
10 4 TECHNOLOGY == UTILIZATION BY LEGISLATIVE AND JUDICIAL
10 5 BRANCH. The department of administrative services shall
10 6 consult with and explore opportunities with the legislative
10 7 and judicial branches of government relative to the providing
10 8 of information technology services to those branches of
10 9 government.

10 10 Sec. 22. CHIEF INFORMATION OFFICER == CONVENIENCE FEE
10 11 STUDY. The chief information officer of the state shall
10 12 conduct a study concerning convenience or other handling fees
10 13 charged by state agencies by credit or debit card or other
10 14 electronic means of payment. The goal of the study would be to
10 15 encourage the elimination of such fees wherever possible. The
10 16 department shall determine the extent and amount of the fees
10 17 charged, revenues generated by those fees, and explore ways to
10 18 reduce or eliminate the fees. The chief information officer
10 19 shall submit a report to the general assembly by January 15,
10 20 2011, concerning the results of the study, including any
10 21 recommendations for legislative consideration.

10 22 Sec. 23. STATE AGENCY ELECTRONIC RENEWAL NOTICES. State
10 23 agencies, as defined in section 8A.101, should, to the greatest
10 24 extent possible, utilize electronic mail or similar electronic
10 25 means to notify holders of licenses or permits issued by that
10 26 state agency that the license or permit needs to be renewed.
10 27 The chief information officer of the state shall assist state
10 28 agencies in implementing the directive in this section.

10 29 DIVISION II
10 30 ELECTRONIC RECORDS

10 31 Sec. 24. Section 7A.11A, Code 2009, is amended to read as
10 32 follows:

10 33 7A.11A Reports to the general assembly.

10 34 All reports required to be filed with the general assembly by
10 35 a state department or agency shall be filed by delivering ~~one~~



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~~12 1 Iowa Code Supplement, and the Iowa Acts; the preparation of~~
~~12 2 editorial comments or notations; the correction of errors;~~
~~12 3 the type of print or electronic media and data processing~~
~~12 4 software to be used; the number of printed volumes to be~~
~~12 5 published; recommended revisions of the Iowa Code, the Iowa~~
~~12 6 Code Supplement, and the Iowa Acts; the letting of contracts~~
~~12 7 for the publication of the Iowa administrative code, the Iowa~~
~~12 8 administrative bulletin, the Iowa court rules, the Iowa Code,~~
~~12 9 the Iowa Code Supplement, and the Iowa Acts; the pricing of~~
~~12 10 the publications to which section 22.3 does not apply; access~~
~~12 11 to, and the use, reproduction, legal protection, sale or~~
~~12 12 distribution, and pricing of related data processing software~~
~~12 13 consistent with chapter 22; and any other matters deemed~~
~~12 14 necessary to the publication of uniform and understandable~~
~~12 15 publications.~~
12 16 Sec. 27. Section 2A.1, subsection 2, paragraph d, Code 2009,
12 17 is amended to read as follows:
12 18 d. Publication of the official legal publications of
12 19 the state, including but not limited to the Iowa Acts, Iowa
12 20 Code, Iowa Code Supplement, Iowa Acts, Iowa court rules, Iowa
12 21 administrative bulletin, and Iowa administrative code, and
12 22 Iowa court rules as provided in chapter 2B. The legislative
12 23 services agency shall do all of the following:
12 24 (1) Designate a legal publication described in chapter 2B as
12 25 an official legal publication. The legislative services agency
12 26 may also designate a legal publication as an unofficial legal
12 27 publication. The legislative services agency may use the great
12 28 seal of the state of Iowa as provided in section 1A.1 or other
12 29 symbol to identify an official or unofficial legal publication.
12 30 (2) Provide for citing official legal publications as
12 31 provided in chapter 2B.
12 32 Sec. 28. Section 2A.5, subsection 1, Code 2009, is amended
12 33 to read as follows:
12 34 1. The legislative services agency shall publish the
12 35 official legal publications of the state as provided in chapter



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13 1 2B. The legislative services agency shall have legal custody of
13 2 the publications and shall provide for the warehousing, sale,
13 3 and distribution of the publications. The legislative services
13 4 agency shall retain or cause to be retained a number of old
13 5 editions of the publications but may otherwise distribute or
13 6 cause to be distributed old editions of the publications to any
13 7 person upon payment by the person of any distribution costs.
13 8 This section and chapter 2B do not require the legislative
13 9 services agency to publish a publication in both a printed and
13 10 electronic version.

13 11 Sec. 29. Section 2A.5, subsection 2, paragraph b, Code 2009,
13 12 is amended to read as follows:

13 13 b. The ~~Iowa~~ Code Supplement.

13 14 Sec. 30. Section 2A.5, subsection 3, Code 2009, is amended
13 15 to read as follows:

13 16 3. The legislative services agency shall in each
13 17 odd-numbered year compile for publication ~~and distribute in~~
13 18 ~~odd-numbered years~~ a printed or electronic version of the Iowa
13 19 official register for distribution as soon as practicable.

13 20 The register shall contain historical, political, and other
13 21 information and statistics of general value but shall not
13 22 contain information or statistics of a partisan character. The
13 23 ~~print~~ printed and electronic versions of the register need
13 24 not contain the same information and statistics but shall be
13 25 published to provide the greatest access to such information
13 26 and statistics at the most reasonable cost as determined by the
13 27 legislative services agency. The different versions of the
13 28 register may be distributed free of charge, may be distributed
13 29 free of charge except for postage and handling charges, or
13 30 may be sold at a price to be established by the legislative
13 31 services agency.

13 32 Sec. 31. Section 2A.5, Code 2009, is amended by adding the
13 33 following new subsection:

13 34 NEW SUBSECTION. 6. Subject to section 2.42, the legislative
13 35 services agency shall determine its payment procedures



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14 1 associated with publishing, distributing, and selling printed
14 2 or electronic versions of publications. The legislative
14 3 services agency may create a publications revolving fund
14 4 in the state treasury under the control of the legislative
14 5 services agency to defray costs associated with publishing,
14 6 distributing, and selling printed or electronic versions of
14 7 publications as the legislative services agency determines
14 8 appropriate. Payment procedures may include crediting all or
14 9 part of moneys received from the sale of publications into the
14 10 revolving fund.

14 11 Sec. 32. Section 2B.5, subsections 1 and 2, Code 2009,
14 12 are amended by striking the subsections and inserting in lieu
14 13 thereof the following:

14 14 1. Publish the Iowa administrative bulletin and the Iowa
14 15 administrative code as provided in section 2B.5A.

14 16 2. Publish the Iowa court rules as provided in section
14 17 2B.5B.

14 18 Sec. 33. Section 2B.5, subsection 3, Code 2009, is amended
14 19 to read as follows:

14 20 3. ~~Cause to be published annually a~~ Publish annually an
14 21 electronic or printed edition of the roster of state officials.

14 22 The roster of state officials shall include a correct list of
14 23 state officers and deputies; members of boards and commissions;
14 24 justices of the supreme court, judges of the court of appeals,
14 25 and judges of the district courts including district associate
14 26 judges and judicial magistrates; and members of the general
14 27 assembly. The office of the governor shall cooperate in the
14 28 preparation of the list.

14 29 Sec. 34. NEW SECTION. 2B.5A Iowa administrative bulletin
14 30 and Iowa administrative code.

14 31 1. The legislative services agency shall control and
14 32 maintain in a secure electronic repository custodial
14 33 information used to produce the Iowa administrative bulletin
14 34 and the Iowa administrative code.

14 35 2. In consultation with the administrative rules



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15 1 coordinator, the administrative code editor shall prescribe
15 2 a uniform style and form required for a person filing a
15 3 document for publication in the Iowa administrative bulletin
15 4 or the Iowa administrative code, including but not limited
15 5 to a rulemaking document. A rulemaking document includes a
15 6 notice of intended action as provided in section 17A.4 or an
15 7 adopted rule for filing as provided in section 17A.5. The
15 8 rulemaking document shall correlate each rule to the uniform
15 9 numbering system established by the administrative code editor.
15 10 The administrative code editor shall provide for electronic
15 11 publication of the Iowa administrative bulletin and the Iowa
15 12 administrative code. The administrative code editor shall
15 13 review all submitted documents for style and form and notify
15 14 the administrative rules coordinator if a rulemaking document
15 15 is not in proper style or form, and may return or revise a
15 16 document which is not in proper style and form. The style
15 17 and form prescribed shall require that a rulemaking document
15 18 include a reference to the statute which the rules are intended
15 19 to implement.

15 20 3. a. The administrative code editor may omit from the Iowa
15 21 administrative bulletin or the Iowa administrative code any
15 22 document for publication in the Iowa administrative bulletin or
15 23 the Iowa administrative code, if the administrative code editor
15 24 determines that its publication would be unduly cumbersome,
15 25 expensive, or otherwise inexpedient. The person filing the
15 26 document for publication shall provide the administrative
15 27 code editor with an electronic version of the document. The
15 28 administrative code editor shall publish the document on the
15 29 general assembly's internet site, and publish a notice in the
15 30 Iowa administrative bulletin or the Iowa administrative code
15 31 stating the specific subject matter of the omitted document and
15 32 how the omitted document may be accessed.

15 33 b. The administrative code editor shall omit or cause to be
15 34 omitted from the Iowa administrative code any rule or portion
15 35 of a rule nullified by the general assembly pursuant to Article



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16 1 III, section 40, of the Constitution of the State of Iowa.
16 2 4. The administrative code editor who receives a
16 3 publication from an agency because the publication is
16 4 referenced in the Iowa administrative bulletin or Iowa
16 5 administrative code shall make the publication available to the
16 6 public pursuant to section 17A.6.
16 7 5. The administrative code editor shall publish the Iowa
16 8 administrative bulletin in accordance with section 2.42 at
16 9 least every other week, unless the administrative code editor
16 10 and the administrative rules review committee determine
16 11 that an alternative publication schedule is preferable. The
16 12 administrative code editor shall provide for the arrangement of
16 13 the contents of the Iowa administrative bulletin.
16 14 a. The Iowa administrative bulletin shall contain all of the
16 15 following:
16 16 (1) Rulemaking documents, including notices of intended
16 17 action as provided in section 17A.4, and rules adopted and
16 18 effective immediately upon filing and rules adopted and filed
16 19 as provided in section 17A.5.
16 20 (2) Resolutions nullifying administrative rules passed by
16 21 the general assembly pursuant to Article III, section 40 of the
16 22 Constitution of the State of Iowa.
16 23 (3) All proclamations and executive orders of the governor
16 24 which are general and permanent in nature.
16 25 (4) Other materials deemed fitting and proper by the
16 26 administrative rules review committee.
16 27 (5) Items required to be published by statute.
16 28 (6) A comprehensive method to search and identify its
16 29 contents. An electronic version may include search and
16 30 retrieval programming and index.
16 31 b. The Iowa administrative bulletin may contain all of the
16 32 following:
16 33 (1) A preface.
16 34 (2) A rulemaking schedule.
16 35 (3) The agenda for the next meeting of the administrative



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17 1 rules review committee as provided in section 17A.8, if
17 2 available.
17 3 (4) A schedule of known public hearings.
17 4 (5) A list of agencies referenced by agency identification
17 5 number.
17 6 6. The administrative code editor shall publish the Iowa
17 7 administrative code in accordance with section 2.42 at least
17 8 every other week, unless the administrative code editor and
17 9 the administrative rules review committee determine that an
17 10 alternative publication schedule is preferable. However, the
17 11 legislative services agency may publish supplements in lieu of
17 12 the Iowa administrative code. The administrative code editor
17 13 shall provide for the arrangement of the Iowa administrative
17 14 code.
17 15 a. The Iowa administrative code shall include all of the
17 16 following:
17 17 (1) Rules of general application adopted and filed with
17 18 the administrative code editor by state agencies. However,
17 19 the administrative code editor may delete a rule from the Iowa
17 20 administrative code if the agency that adopted the rule has
17 21 ceased to exist, no successor agency has jurisdiction over the
17 22 rule, and no statutory authority exists supporting the rule.
17 23 (2) A comprehensive method to search and identify its
17 24 contents, including rules.
17 25 (a) An electronic version may include search and retrieval
17 26 programming and index.
17 27 (b) A print edition may include an index.
17 28 b. The Iowa administrative code may include all of the
17 29 following:
17 30 (1) A preface.
17 31 (2) Uniform rules on agency procedure.
17 32 Sec. 35. NEW SECTION. 2B.5B Iowa court rules.
17 33 1. The legislative services agency shall control and
17 34 maintain in a secure electronic repository custodial
17 35 information used to produce the Iowa court rules.



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18 1 2. The administrative code editor, upon direction by
18 2 the Iowa supreme court and in accordance with the policies
18 3 of the legislative council pursuant to section 2.42 and the
18 4 legislative services agency pursuant to section 2A.1, shall
18 5 prescribe a uniform style and form required for filing a
18 6 document for publication in the Iowa court rules. The document
18 7 shall correlate each rule to the uniform numbering system.
18 8 The administrative code editor shall provide for electronic
18 9 publication of the Iowa court rules. The administrative code
18 10 editor shall review all submitted documents for style and form
18 11 and notify the Iowa supreme court if a rulemaking document
18 12 is not in proper style or form, and may return or revise a
18 13 document which is not in proper style and form.

18 14 3. a. The administrative code editor shall publish the
18 15 Iowa court rules in accordance with section 2.42. However, the
18 16 legislative services agency may publish supplements in lieu of
18 17 the Iowa court rules. The administrative code editor shall
18 18 provide for arrangement of the Iowa court rules in consultation
18 19 with the Iowa supreme court.

18 20 b. The Iowa court rules shall include all of the following:

18 21 (1) Rules prescribed by the supreme court, which may include
18 22 the Iowa rules of civil procedure, the Iowa rules of criminal
18 23 procedure, the Iowa rules of evidence, the Iowa rules of
18 24 appellate procedure, the Iowa rules of professional conduct,
18 25 and the Iowa code of judicial conduct.

18 26 (2) A comprehensive method to search and identify its
18 27 contents, including court rules.

18 28 (a) An electronic version may include search and retrieval
18 29 programming and index.

18 30 (b) A print version shall include an index.

18 31 c. The Iowa court rules may include all of the following:

18 32 (1) A preface.

18 33 (2) Tables, including tables of corresponding rule numbers.



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19 1 Sec. 36. Section 2B.6, subsections 2 and 3, Code 2009,
19 2 are amended by striking the subsections and inserting in lieu
19 3 thereof the following:
19 4 2. Provide for the publication of all of the following:
19 5 a. The Iowa Acts as provided in section 2B.10.
19 6 b. The Iowa Code or Code Supplement, as provided in section
19 7 2B.12.
19 8 Sec. 37. Section 2B.10, Code 2009, is amended to read as
19 9 follows:
19 10 2B.10 Iowa Acts.
19 11 1. The legislative services agency shall control and
19 12 maintain in a secure electronic repository custodial
19 13 information used to produce the Iowa Acts.
19 14 2. The legislative services agency shall publish the annual
19 15 edition of the Iowa Acts as soon as possible after the final
19 16 adjournment of a regular session of the general assembly. The
19 17 legislative services agency may also publish an updated edition
19 18 of the Iowa Acts or a supplement to the Iowa Acts after a
19 19 special session of the general assembly.
19 20 ~~1.3. a. The arrangement of the Acts and resolutions,~~
19 21 ~~and the size, style, type, binding, general arrangement, and~~
19 22 ~~tables of the Iowa Acts, appearance, and contents of the Iowa~~
19 23 ~~Acts shall be printed and published in the manner determined~~
19 24 ~~by the Iowa Code editor in accordance with the policies set~~
19 25 ~~by the of the legislative council and legislative services~~
19 26 ~~agency as provided in section 2.42.~~
19 27 ~~2. b. Chapters of~~ The bills and joint resolutions of the
19 28 Iowa Acts may be arranged by chapter, numbered from one for the
19 29 first regular session shall be numbered from one and chapters
19 30 of the second regular session shall be and numbered from one
19 31 thousand one for the second regular session.
19 32 4. The Iowa Acts shall include all of the following:
19 33 a. A preface.
19 34 b. A table of contents.
19 35 ~~3. c.~~ A list of elective state officers and deputies,



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20 1 supreme court justices, judges of the court of appeals,
20 2 ~~and members of the general assembly shall be published annually~~
~~20 3 with the Iowa Acts, and members of Iowa's congressional~~
20 4 delegation.

20 5 ~~4. d.~~ A statement of the condition of the state treasury
20 6 ~~shall be included,~~ as provided by Article III, section 18,
20 7 of the Constitution of the State of Iowa. The statement shall
20 8 be furnished to the legislative services agency by the director
20 9 of the department of administrative services.

20 10 e. An analysis of its chapters.

20 11 f. The text of bills that have been enacted and joint
20 12 resolutions that have been enacted or passed by the general
20 13 assembly, including text indicating items disapproved in
20 14 appropriation bills.

20 15 g. Messages transmitted by the governor disapproving items
20 16 in appropriation bills.

20 17 h. A notation of the filing of an estimate of a state
20 18 mandate prepared by the legislative services agency pursuant
20 19 to section 25B.5.

20 20 i. Tables including any analysis of tables.

20 21 j. A comprehensive method to search and identify its
20 22 contents, including the text of bills that have been enacted
20 23 and joint resolutions that have been enacted or passed by the
20 24 general assembly.

20 25 (1) An electronic version may include search and retrieval
20 26 programming and an index and a summary index.

20 27 (2) A print version may include an index and a summary
20 28 index.

20 29 k. Other reference material as determined by the Iowa Code
20 30 editor in accordance with any policies of the legislative
20 31 council.

20 32 5. The enrolling clerks of the house and senate shall
20 33 arrange for the Iowa Code editor to receive suitable copies of
20 34 all Acts and resolutions as soon as they are enrolled.

20 35 ~~6. A notation of the filing of an estimate of a state~~



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~~21 1 mandate prepared by the legislative services agency pursuant to
21 2 section 25B.5 shall be included in the Iowa Acts with the text
21 3 of an enacted bill or joint resolution containing the state
21 4 mandate.~~

21 5 Sec. 38. Section 2B.12, subsections 1 and 2, Code 2009, are
21 6 amended to read as follows:

21 7 1. The legislative services agency shall control and
21 8 maintain in a secure electronic repository custodial
21 9 information used to publish the Iowa Code.

~~21 10 1- 2. A new Iowa Code shall be issued The legislative
21 11 services agency shall publish an annual edition of the Iowa
21 12 Code as soon as possible after the final adjournment of the
21 13 second a regular session of the a general assembly. A However,
21 14 the legislative services agency may publish a new Code
21 15 Supplement shall be issued in lieu of the Iowa Code as soon as
21 16 possible after the first final adjournment of a regular session
21 17 of the a general assembly. A The legislative services agency
21 18 may publish a new edition of the Iowa Code or Code Supplement
21 19 may be issued as soon as possible after the final adjournment
21 20 of a special session of the general assembly or as required by
21 21 the legislative council.~~

~~21 22 2. The entire Iowa Code shall be maintained on a computer
21 23 database which shall be updated as soon as possible after
21 24 each session of the general assembly. The Iowa Code and Code
21 25 Supplement shall be prepared and printed on a good quality
21 26 of paper in one or more volumes, in the manner determined by
21 27 the Iowa Code editor in accordance with the policies of the
21 28 legislative council, as provided in section 2.42.~~

21 29 Sec. 39. Section 2B.12, subsection 5, Code 2009, is amended
21 30 by striking the subsection.

21 31 Sec. 40. Section 2B.12, subsection 6, unnumbered paragraph
21 32 1, Code 2009, is amended to read as follows:

~~21 33 The Iowa Code published after the second regular session of
21 34 the general assembly shall include all of the following:~~



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22 1 Sec. 41. Section 2B.12, subsection 6, paragraph a, Code
22 2 2009, is amended by striking the paragraph.
22 3 Sec. 42. Section 2B.12, subsection 6, paragraph h, Code
22 4 2009, is amended by striking the paragraph and inserting in
22 5 lieu thereof the following:
22 6 h. The arrangement of the Code into distinct units, as
22 7 established by the legislative services agency, which may
22 8 include titles, subunits of titles, chapters, subunits of
22 9 chapters, and sections, and subunits of sections. The distinct
22 10 units shall be numbered and may include names.
22 11 Sec. 43. Section 2B.12, subsection 6, paragraph j, Code
22 12 2009, is amended to read as follows:
22 13 j. A comprehensive index and a summary index covering method
22 14 to search and identify its contents, including the text of the
22 15 Constitution and statutes of the State of Iowa.
22 16 (1) An electronic version may include search and retrieval
22 17 programming, analysis of titles and chapters, and an index and
22 18 a summary index.
22 19 (2) A print version shall include an analysis of titles and
22 20 chapters, and an index and a summary index.
22 21 Sec. 44. Section 2B.12, Code 2009, is amended by adding the
22 22 following new subsection:
22 23 NEW SUBSECTION. 6A. The Iowa Code may include all of the
22 24 following:
22 25 a. A preface.
22 26 b. A description of citations to statutes.
22 27 c. Abbreviations to other publications which may be referred
22 28 to in the Iowa Code.
22 29 d. Appropriate historical references or source notes.
22 30 e. An analysis of the Code by titles and chapters.
22 31 f. Other reference materials as determined by the Iowa
22 32 Code editor in accordance with any policies of the legislative
22 33 council.
22 34 Sec. 45. Section 2B.12, subsections 7 and 8, Code 2009, are
22 35 amended to read as follows:



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23 1 7. ~~The A Code Supplement published after the first regular~~
~~23 2 session of the general assembly shall include all of the~~
23 3 following:
23 4 a. ~~All of the~~ The text of statutes of Iowa of a general
23 5 and permanent nature ~~which that~~ that were enacted ~~or amended~~ during
23 6 ~~that the preceding regular or special session, except as~~
23 7 provided in subsection 3, and; an indication of all sections
23 8 repealed during that session; and any amendments to the
23 9 Constitution of the State of Iowa approved by the voters at
~~23 10 the preceding general election since the adjournment of the~~
23 11 previous regular session of the general assembly.
23 12 b. A chapter title and number for each chapter or part of a
23 13 chapter included.
23 14 c. ~~An index covering the material included~~ A comprehensive
23 15 method to search and identify its contents, including the text
23 16 of statutes and the Constitution of the State of Iowa.
23 17 (1) An electronic version may include search and retrieval
23 18 programming and an index and a summary index.
23 19 (2) A print version may include an index and a summary
23 20 index.
23 21 8. ~~A~~ The Iowa Code or Code Supplement may include
23 22 appropriate tables showing the disposition of Acts of the
23 23 general assembly, the corresponding sections from edition
23 24 to edition of ~~a~~ an Iowa Code or Code Supplement, and other
23 25 reference material as determined by the Iowa Code editor in
23 26 accordance with policies of the legislative council.
23 27 Sec. 46. Section 2B.13, subsection 1, unnumbered paragraph
23 28 1, Code 2009, is amended to read as follows:
23 29 The Iowa Code editor in preparing the copy for an edition
23 30 of the Iowa Code or ~~Iowa~~ Code Supplement shall not alter the
23 31 sense, meaning, or effect of any Act of the general assembly,
23 32 but may:
23 33 Sec. 47. Section 2B.13, subsection 2, paragraph f, Code
23 34 2009, is amended to read as follows:
23 35 f. Perform any other editorial tasks required or authorized



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24 1 by section ~~17A.6~~ 2B.5A.
24 2 Sec. 48. Section 2B.13, subsections 3, 4, 5, and 7, Code
24 3 2009, are amended to read as follows:
24 4 3. a. The Iowa Code editor may, in preparing the copy for
24 5 an edition of the Iowa Code or ~~Iowa~~ Code Supplement, establish
24 6 standards for and change capitalization, spelling, and
24 7 punctuation in any ~~Code~~ provision for purposes of uniformity
24 8 and consistency in ~~Code~~ language.
24 9 b. The administrative code editor may establish standards
24 10 for capitalization, spelling, and punctuation for purposes of
24 11 uniformity and consistency in the Iowa administrative code.
24 12 4. a. The Iowa Code editor shall seek direction from
24 13 the senate committee on judiciary and the house committee
24 14 on judiciary when making Iowa Code or ~~Iowa~~ Code Supplement
24 15 changes, ~~and the~~.
24 16 b. The administrative code editor shall seek direction
24 17 from the administrative rules review committee and
24 18 the administrative rules coordinator when making Iowa
24 19 administrative code changes, which appear to require
24 20 substantial editing and which might otherwise be interpreted to
24 21 exceed the scope of the authority granted in this section.
24 22 5. The Iowa Code editor may prepare and publish comments
24 23 deemed necessary for a proper explanation of the manner
24 24 of printing a section or chapter of the Iowa Code or Code
24 25 Supplement. The Iowa Code editor shall maintain a record of
24 26 all of the corrections made under subsection 1. The Iowa Code
24 27 editor shall also maintain a separate record of the changes
24 28 made under subsection 1, paragraphs "b" through "h". The
24 29 records shall be available to the public.
24 30 7. a. The effective date of ~~all editorial changes in an~~
24 31 edition of the Iowa Code or ~~Iowa~~ Code Supplement ~~is the date~~
24 32 ~~of the Iowa Code editor's approval of the final press proofs~~
24 33 ~~for the statutory text contained within that publication. The~~
24 34 ~~effective date of all editorial changes for the or an edition~~
24 35 of the Iowa administrative code is ~~the~~ its publication date



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25 1 ~~those changes are published in the Iowa administrative code.~~ A
25 2 publication date is the date the publication is conclusively
25 3 presumed to be complete, incorporating all revisions or
25 4 editorial changes.

25 5 b. The publication date for the publications are as follows:

25 6 (1) For the Iowa Code or Code Supplement, the publication
25 7 date is the first day of the next regular session of the
25 8 general assembly convened pursuant to Article III, section
25 9 2, of the Constitution of the State of Iowa. However, the
25 10 legislative services agency may establish an alternative
25 11 publication date, which may be the date that the publication is
25 12 first available to the public accessing the general assembly's
25 13 internet site. The legislative services agency shall provide
25 14 notice of such an alternative publication date on the general
25 15 assembly's internet site.

25 16 (2) The publication date for the Iowa administrative code
25 17 is the date that it is first available to the public accessing
25 18 the general assembly's internet site according to a publication
25 19 schedule provided in section 2B.5A.

25 20 c. A publication designated by the legislative services
25 21 agency as unofficial shall not be used to establish a
25 22 publication date.

25 23 Sec. 49. Section 2B.17, Code 2009, is amended by striking
25 24 the section and inserting in lieu thereof the following:

25 25 2B.17 Official legal publications == citations.

25 26 1. An official legal publication designated as such by
25 27 the legislative services agency as provided in sections 2.42
25 28 and 2A.1, is the official and authoritative version of the
25 29 statutes, administrative rules, or court rules of the state of
25 30 Iowa.

25 31 2. a. The codified version of the state's constitution
25 32 shall be known as the Constitution of the State of Iowa.

25 33 b. For statutes, the official versions of publications
25 34 shall be known as the Iowa Acts, the Iowa Code, and the Code
25 35 Supplement.



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26 1 c. For administrative rules, the official versions of the
26 2 publications shall be known as the Iowa Administrative Bulletin
26 3 and the Iowa Administrative Code.

26 4 d. For court rules, the official version of the publication
26 5 shall be known as the Iowa Court Rules.

26 6 3. The legislative services agency may adopt a style manual
26 7 providing a uniform system of citing the codified Constitution
26 8 of the State of Iowa and the official versions of publications
26 9 listed in subsection 2, including by reference to commonly
26 10 accepted legal sources. The legislative services agency
26 11 style manual may provide for a different form of citation
26 12 for electronic and printed versions of the same publication.
26 13 Nothing in this section affects rules for style and format
26 14 adopted pursuant to section 2.42.

26 15 4. The codified Constitution of the State of Iowa, and
26 16 statutes enacted and joint resolutions enacted or passed by the
26 17 general assembly shall be cited as follows:

26 18 a. The codified Constitution of the State of Iowa shall
26 19 be cited as the Constitution of the State of Iowa, with a
26 20 reference identifying the preamble or boundaries, or article,
26 21 section, and subunit of a section. Subject to the legislative
26 22 services agency style manual, the Constitution of the State of
26 23 Iowa may be cited as the Iowa Constitution.

26 24 b. The Iowa Acts shall be cited as the Iowa Acts with
26 25 a reference identifying the year of the publication in
26 26 conformance with section 2.2, and the chapter of a bill
26 27 enacted or joint resolution enacted or passed during a regular
26 28 session, or in the alternative the bill or joint resolution
26 29 chamber designation, and the section of the chapter or bill
26 30 or subunit of a section. A bill or joint resolution enacted
26 31 or passed during a special session shall be cited by the
26 32 extraordinary session designation in conformance with section
26 33 2.2. If the Iowa Acts have not been published, a bill or joint
26 34 resolution may be cited by its bill or joint resolution chamber
26 35 designation.



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27 1 c. The Iowa Code shall be cited as the Iowa Code. The Code
27 2 Supplement shall be cited as the Code Supplement. Subject
27 3 to the legislative services agency style manual, the Iowa
27 4 Code may be cited as the Code of Iowa or Code and the Code
27 5 Supplement may be cited as the Iowa Code Supplement, with
27 6 references identifying parts of the publication, including
27 7 but not limited to title or chapter, section, or subunit of a
27 8 section. If the citation refers to a past edition of the Iowa
27 9 Code or Code Supplement, the citation shall identify the year
27 10 of publication.

27 11 5. Administrative rules shall be cited as follows:

27 12 a. The Iowa Administrative Bulletin shall be cited as
27 13 the IAB, with references identifying the volume number which
27 14 may be based on a fiscal year cycle, the issue number, and
27 15 the ARC number assigned to the rulemaking document by the
27 16 administrative rules coordinator pursuant to section 17A.4.
27 17 Subject to the legislative services agency style manual, the
27 18 citation may also include the publication's page number.

27 19 b. The Iowa Administrative Code shall be cited as the IAC,
27 20 with references to an agency's identification number placed at
27 21 the beginning of the citation and with references to parts of
27 22 the publication, including but not limited to chapter, rule, or
27 23 subunit of a rule.

27 24 6. The Iowa Court Rules shall be cited as the Iowa Court
27 25 Rules, with references to the rule number and to subunits
27 26 of the publication, which may include but are not limited
27 27 to the Iowa Rules of Civil Procedure, the Iowa Rules of
27 28 Criminal Procedure, the Iowa Rules of Evidence, the Iowa
27 29 Rules of Appellate Procedure, the Iowa Rules of Professional
27 30 Conduct, and the Iowa Code of Judicial Conduct. Subject to
27 31 the legislative services agency style manual, the names of the
27 32 rules may be abbreviated.

27 33 Sec. 50. NEW SECTION. 2B.18 Iowa Code editor and
27 34 administrative code editor == custody and authentication.

27 35 1. The Iowa Code editor is the custodian of the official



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28 1 legal publications known as the Iowa Acts, Iowa Code, and
28 2 Code Supplement. The Iowa Code editor may attest to and
28 3 authenticate any portion of such official legal publication
28 4 for purposes of admitting a portion of the official legal
28 5 publication in any court or office of any state, territory, or
28 6 possession of the United States or in a foreign jurisdiction.
28 7 2. The administrative code editor is the custodian of the
28 8 official legal publications known as the Iowa administrative
28 9 bulletin, the Iowa administrative code, and the Iowa court
28 10 rules. The administrative code editor may attest to and
28 11 authenticate any portion of such official legal publication
28 12 for purposes of admitting a portion of the official legal
28 13 publication in any court or office of any state, territory, or
28 14 possession of the United States or in a foreign jurisdiction.
28 15 Sec. 51. Section 7.17, subsection 2, Code 2009, is amended
28 16 by striking the subsection.
28 17 Sec. 52. Section 17A.4, subsection 1, paragraph a, Code
28 18 2009, is amended to read as follows:
28 19 a. Give notice of its intended action by submitting
28 20 the notice to the administrative rules coordinator and
28 21 the administrative code editor. The administrative rules
28 22 coordinator shall assign an ARC number to each rulemaking
28 23 document. The administrative code editor shall publish
28 24 each notice meeting the requirements of this chapter in the
28 25 Iowa administrative bulletin created pursuant to section
28 26 ~~17A.6~~ 2B.5A. Any notice of intended action shall be published
28 27 at least thirty-five days in advance of the action. The notice
28 28 shall include a statement of either the terms or substance of
28 29 the intended action or a description of the subjects and issues
28 30 involved, and the time when, the place where, and the manner in
28 31 which interested persons may present their views.
28 32 Sec. 53. Section 17A.6, Code 2009, is amended by striking
28 33 the section and inserting in lieu thereof the following:
28 34 17A.6 Publications.
28 35 1. The administrative code editor shall publish the Iowa



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29 1 administrative bulletin and the Iowa administrative code as
29 2 provided in section 2B.5A.

29 3 2. An agency which adopts standards by reference to
29 4 another publication shall deliver an electronic copy of
29 5 the publication, or the relevant part of the publication,
29 6 containing the standards to the administrative code editor
29 7 who shall publish it on the general assembly's internet site.
29 8 If an electronic copy of the publication is not available,
29 9 the agency shall deliver a printed copy of the publication to
29 10 the administrative code editor who shall deposit the copy in
29 11 the state law library where it shall be made available for
29 12 inspection and reference.

29 13 Sec. 54. Section 89.5, subsection 3, unnumbered paragraph
29 14 1, Code 2009, is amended to read as follows:

29 15 A rule adopted pursuant to this chapter which adopts
29 16 standards by reference to another publication shall be exempt
29 17 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if
29 18 the following conditions exist:

29 19 Sec. 55. Section 89A.3, subsection 5, unnumbered paragraph
29 20 1, Code Supplement 2009, is amended to read as follows:

29 21 A rule adopted pursuant to this section which adopts
29 22 standards by reference to another publication shall be exempt
29 23 from the requirements of section ~~17A.6~~ 2B.5A, subsection 4, if
29 24 the following conditions exist:

29 25 Sec. 56. Section 256.53, Code 2009, is amended to read as
29 26 follows:

29 27 256.53 State publications.

29 28 Upon issuance of a state publication in any format, a
29 29 state agency shall ~~deposit with~~ provide the division with
29 30 an electronic version of the publication at no cost to the
29 31 division, ~~seventy-five copies of the publication or a lesser~~
~~29 32 number if specified by the division, except as provided in~~
~~29 33 section 2A.6.~~

29 34 Sec. 57. Section 267.6, Code 2009, is amended to read as
29 35 follows:



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30 1 267.6 Iowa administrative procedure Act.
30 2 The provisions of chapter 17A shall not apply to the council
30 3 or any actions taken by it, except that any recommendations
30 4 adopted by the council pursuant to section 267.5, subsection
30 5 3, and any rules adopted by the council shall be adopted,
30 6 amended, or repealed only after compliance with the provisions
30 7 of sections 17A.4, and 17A.5, and ~~17A.6~~ the publication
30 8 requirements in section 2B.5A.

30 9 DIVISION IV
30 10 ELECTRONIC PUBLICATION OF PUBLIC NOTICES

30 11 Sec. 58. Section 21.4, subsection 4, Code 2009, is amended
30 12 to read as follows:

30 13 4. If another section of the Code requires or authorizes a
30 14 manner of giving specific notice of a meeting, hearing, or
30 15 an intent to take action by a governmental body, compliance
30 16 with that section shall constitute compliance with the notice
30 17 requirements of this section.

30 18 Sec. 59. NEW SECTION. 22A.1 Electronic publication of
30 19 public notices.

30 20 1. For purposes of this section, "governmental body" means a
30 21 governmental body as defined in section 21.2.

30 22 2.a. A governmental body that is required by statute
30 23 to publish or post in a public place a notice, action, or
30 24 other information, may, in lieu of such requirements, post
30 25 the notice, action, or other information on an internet site
30 26 if posting such information on an internet site has been
30 27 authorized, by ordinance, resolution, or other official action
30 28 of the governmental body, as a means of official publication.

30 29 b. An ordinance, resolution, or other official action
30 30 that authorizes posting on an internet site as an official
30 31 publication shall identify each type of notice, action, or
30 32 information that shall be posted on an internet site in lieu of
30 33 publication and shall identify the location of the governmental
30 34 body's office where such notices, actions, or information
30 35 will be available for public inspection. If the governmental



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31 1 body is a city or a county, such authorization shall be by
31 2 ordinance. If the governmental body is an agency as defined
31 3 in section 17A.2, such authorization shall be adopted in
31 4 accordance with chapter 17A.

31 5 c. This section shall not apply to the publication of
31 6 notices under chapter 6B, notices published under chapter 17A,
31 7 notices provided under the rules of civil procedure, or any
31 8 notice required to be given by personal service.

31 9 3. Notices, actions, or other information posted by
31 10 a governmental body on an internet site pursuant to this
31 11 section shall include all information otherwise required to
31 12 be contained in the publication and shall comply with all
31 13 requirements relating to the date of publication.

31 14 4. If posting on an internet site is authorized by a
31 15 governmental body to satisfy publication requirements, all of
31 16 the following shall apply:

31 17 a. The internet site shall be operated and maintained by the
31 18 governmental body.

31 19 b. The internet site shall be accessible at all times by the
31 20 public, including the visually impaired.

31 21 c. The public shall not be charged for access to any notice,
31 22 action, or other information posted on the internet site
31 23 pursuant to this section.

31 24 d. The internet site shall be searchable by keyword, type of
31 25 notice, action, or information, and geographic location.

31 26 e. The notice, action, or other information posted on an
31 27 internet site pursuant to this section shall be maintained
31 28 and accessible through the same internet site address for as
31 29 long as required by law or as long as such information is
31 30 customarily maintained by the governmental body, whichever is
31 31 longer.

31 32 f. A notice, action, or other information posted on an
31 33 internet site pursuant to this section by a governmental
31 34 body shall also be made available by the governmental body
31 35 in a paper format in the office of the governmental body as



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32 1 identified pursuant to subsection 2, paragraph "b".
32 2 Sec. 60. Section 49.53, subsection 2, Code Supplement 2009,
32 3 is amended to read as follows:
32 4 2. The notice shall be published in at least one newspaper,
32 5 as defined in section 618.3, which is published in the county
32 6 or other political subdivision in which the election is to
32 7 occur or, if no newspaper is published there, in at least
32 8 one newspaper of substantial circulation in the county or
32 9 political subdivision. For the general election or the primary
32 10 election the foregoing notice shall be published in at least
32 11 two newspapers published in the county. However, if there
32 12 is only one newspaper published in the county, publication
32 13 in one newspaper shall be sufficient. Compliance with the
32 14 requirements of section 22A.1 shall constitute compliance with
32 15 the publication requirements of this section.
32 16 Sec. 61. Section 279.36, unnumbered paragraph 1, Code 2009,
32 17 is amended to read as follows:
32 18 The requirements of section 279.35 are satisfied by
32 19 publication in at least one newspaper published in the
32 20 district or, if there is none, in at least one newspaper having
32 21 general circulation within the district. Compliance with the
32 22 requirements of section 22A.1 shall constitute compliance with
32 23 the publication requirements of this section.
32 24 Sec. 62. Section 331.305, Code 2009, is amended to read as
32 25 follows:
32 26 331.305 Publication of notices.
32 27 Unless otherwise provided by state law, if notice of an
32 28 election, hearing, or other official action is required by this
32 29 chapter, the board shall publish the notice at least once, not
32 30 less than four nor more than twenty days before the date of the
32 31 election, hearing, or other action, in one or more newspapers
32 32 which meet the requirements of section 618.14. Notice of an
32 33 election shall also comply with section 49.53. Compliance with
32 34 the requirements of section 22A.1 shall constitute compliance
32 35 with the publication requirements of this section.



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33 1 Sec. 63. Section 362.3, Code 2009, is amended by adding the
33 2 following new subsection:
33 3 NEW SUBSECTION. 3. Compliance with the requirements of
33 4 section 22A.1 shall constitute compliance with the requirements
33 5 of this section relating to publication in a newspaper and to
33 6 publication by posting.

DIVISION V

STATE BUDGETING AND PERSONNEL

33 8 Sec. 64. Section 8.36A, subsection 2, Code 2009, is amended
33 9 to read as follows:

33 10 2. a. If a department or establishment has reached or
33 11 anticipates reaching the full-time equivalent position level
33 12 authorized for the department but determines that conversion
33 13 of a contract position to a full-time equivalent position
33 14 would result in cost savings while providing comparable or
33 15 better services, the department or establishment may request
33 16 the director of the department of management to approve the
33 17 conversion and addition of the full-time equivalent position.
33 18 The request shall be accompanied by evidence demonstrating how
33 19 the cost savings and service quality will be achieved through
33 20 the conversion. If approved by the director of the department
33 21 of management, the department's or establishment's authorized
33 22 full-time equivalent position level shall be increased
33 23 accordingly and the revised level shall be reported to the
33 24 fiscal committee of the legislative council and the legislative
33 25 services agency.

33 26 b. A department or establishment shall not convert a
33 27 full-time equivalent position authorized for the department
33 28 or establishment to a contract position and shall not use
33 29 appropriated moneys for such a contract position unless the
33 30 department or establishment receives approval from the director
33 31 of the department of management to convert the full-time
33 32 equivalent position to a contract position. The director of
33 33 the department of management shall not approve the conversion
33 34 unless the department or establishment submits sufficient
33 35



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34 1 evidence that the conversion would result in cost savings while
34 2 providing comparable or better services.

34 3 Sec. 65. Section 8.36A, Code 2009, is amended by adding the
34 4 following new subsection:

34 5 NEW SUBSECTION. 3. If a full-time equivalent position
34 6 authorized for a department or establishment remains vacant
34 7 for a period of at least six months, the department's or
34 8 establishment's authorized full-time equivalent position level
34 9 shall be decreased accordingly. However, the department or
34 10 establishment may request the director of the department or
34 11 management to reauthorize the full-time equivalent position if
34 12 the department or establishment can establish that the position
34 13 is difficult to fill and is critical for fulfilling the duties
34 14 of the department or establishment.

34 15 Sec. 66. Section 8.62, subsection 2, Code Supplement 2009,
34 16 is amended to read as follows:

34 17 2. Notwithstanding the provisions of section 8.33 or any
34 18 other provision of law to the contrary, if on June 30 of a
34 19 fiscal year, a balance of an operational appropriation remains
34 20 unexpended or unencumbered, not more than fifty percent of
34 21 the balance may be encumbered by the agency to which the
34 22 appropriation was made and used as provided in this section and
34 23 the remaining balance shall be deposited in the cash reserve
34 24 fund created in section 8.56. Moneys encumbered under this
34 25 section shall only be used by the agency during the succeeding
34 26 fiscal year for internet-based employee training, technology
34 27 enhancement, or purchases of goods and services from Iowa
34 28 prison industries. Unused moneys encumbered under this section
34 29 shall be deposited in the cash reserve fund on June 30 of the
34 30 succeeding fiscal year.

34 31 Sec. 67. Section 8A.413, Code Supplement 2009, is amended by
34 32 adding the following new subsection:

34 33 NEW SUBSECTION. 24. For the development and operation of
34 34 programs to promote job sharing, telecommuting, and flex-time
34 35 opportunities for employment within the executive branch.



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35 1 Sec. 68. COMMUNITY-BASED CORRECTIONS == STATE ACCOUNTING
35 2 SYSTEM. Each judicial district department of correctional
35 3 services shall utilize the state accounting system for purposes
35 4 of tracking both appropriations and expenditures. Each
35 5 judicial district department shall coordinate its accounting
35 6 activities with the department of management for purposes of
35 7 implementing the requirements of this section.
35 8 Sec. 69. STATE AGENCY EFFICIENCY EFFORTS.
35 9 1. LEAN EFFORTS. State agencies shall budget for and plan
35 10 to conduct lean events as described in section 8.70. Each
35 11 state agency shall coordinate its activities with the office
35 12 of lean enterprise created in section 8.70 in developing plans
35 13 to conduct lean events.
35 14 2. SHARED RESOURCES. State agencies are encouraged to
35 15 share resources and services, including staff, training, and
35 16 educational services, to the greatest extent possible in order
35 17 to best fulfill the duties of each agency at the least cost.
35 18 Sec. 70. CONTRACT SERVICES == TRAINING.
35 19 1. For the fiscal year beginning July 1, 2010, and ending
35 20 June 30, 2011, each department, as defined in section 8.2,
35 21 shall separately track the budget and actual expenditures
35 22 for contract services and for employee training for each
35 23 appropriation line item.
35 24 2. The terms of the contracts for contracted services
35 25 entered into or revised during the fiscal year shall
35 26 incorporate quality assurance and cost control measures.
35 27 3. The employee training tracking information shall be
35 28 further divided into training categories. Each department's
35 29 report on training tracking shall specifically address the use
35 30 of electronically based training.
35 31 4. Each department shall report quarterly to the
35 32 legislative services agency concerning the budget, expenditure,
35 33 quality assurance, and cost control information addressed by
35 34 this section.



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36 1 Sec. 71. JOINT APPROPRIATIONS SUBCOMMITTEES == REVIEW OF
36 2 AGENCY FEES. Each joint appropriations subcommittee of the
36 3 general assembly shall examine and review on an annual basis
36 4 the fees charged by state agencies under the purview of that
36 5 joint appropriations subcommittee.

36 6 DIVISION VI
36 7 SPAN OF CONTROL

36 8 Sec. 72. Section 8A.402, subsection 2, paragraph g, Code
36 9 Supplement 2009, is amended to read as follows:

36 10 g. (1) (a) Consult with the department of management
36 11 and discuss and collaborate with executive branch agencies to
36 12 implement and maintain a policy for incrementally increasing
36 13 the aggregate ratio in the number of employees per
36 14 ~~supervisor~~ supervisory employee in executive branch agencies
36 15 ~~to be fourteen employees for one supervisor~~. For purposes of
36 16 determining the effects of the policy on the state employee
36 17 workforce, the base date of July 1, 2008, shall be used and the
36 18 target date for full implementation shall be July 1, ~~2011~~ 2016.
36 19 The target aggregate ratio of supervisory employees to other
36 20 employees shall be as follows:

36 21 (i) For the fiscal year beginning July 1, 2010, one to
36 22 fourteen.

36 23 (ii) For the fiscal year beginning July 1, 2011, one to
36 24 fifteen.

36 25 (iii) For the fiscal year beginning July 1, 2012, one to
36 26 sixteen.

36 27 (iv) For the fiscal year beginning July 1, 2013, one to
36 28 seventeen.

36 29 (v) For the fiscal year beginning July 1, 2014, one to
36 30 eighteen.

36 31 (vi) For the fiscal year beginning July 1, 2015, one to
36 32 nineteen.

36 33 (vii) For the fiscal year beginning July 1, 2016, one to
36 34 twenty.

36 35 (b) For the purposes of this paragraph "g", "supervisory



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37 1 employee" means a public employee who is not a member of a
37 2 collective bargaining unit and who has authority, in the
37 3 interest of a public employer, to hire, transfer, suspend, lay
37 4 off, recall, promote, discharge, assign, reward, or discipline
37 5 other public employees, to direct such public employees, or
37 6 to adjust the grievances of such public employees, or to
37 7 effectively recommend any such action.

37 8 (c) In this paragraph "g", executive branch agencies shall
37 9 not grant a supervisory employee with the right to replace or
37 10 bump a junior employee not being laid off for a position for
37 11 which the supervisory employee is qualified.

37 12 ~~(b)~~ (d) The policy shall allow appropriation units
37 13 with twenty-eight or fewer full-time equivalent employee
37 14 positions to apply for an exception to the policy through the
37 15 executive council. The policy shall allow for exceptions
37 16 when the supervisory employee ratio is mandated by a federal
37 17 requirement.

37 18 (e) The policy shall provide that if layoffs are
37 19 implemented, the number of middle management position layoffs
37 20 shall correspond to the relative number of direct service
37 21 position layoffs.

37 22 (f) The policy shall improve on the system in effect as
37 23 of the base date by specifically defining and accounting for
37 24 supervisory employee span of control.

37 25 ~~(e)~~ (g) The department shall present an interim report
37 26 to the governor and general assembly on or before April 1,
37 27 2010, annual updates on or before April 1 subsequently, and a
37 28 final report on or before April 1, 2011 2017, detailing the
37 29 effects of the policy on the composition of the workforce, cost
37 30 savings, government efficiency, and outcomes.

37 31 (d) The policy developed pursuant to this paragraph
~~37 32 "g" shall not encompass employees under the state board of~~
~~37 33 regents, the department of human services, or a judicial~~
~~37 34 district department of correctional services. However, the~~
~~37 35 department of administrative services shall work with the~~



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~~38 1 state board of regents, the department of human services, and
38 2 the judicial district departments of correctional services to
38 3 advance the policy as a goal for the supervisory staff of these
38 4 units of state government.~~

38 5 (2) Evaluate the state's systems for job classification of
38 6 executive branch employees in order to ensure the existence
38 7 of technical skill-based career paths for such employees
38 8 which do not depend upon an employee gaining supervisory
38 9 responsibility for advancement, and which provide incentives
38 10 for such employees to broaden their knowledge and skill base.
38 11 The evaluation shall include but is not limited to a review
38 12 of the classifications for all noncontract positions and
38 13 providing options for eliminating obsolete, duplicative, or
38 14 unnecessary job classifications. The department shall present
38 15 interim reports to the general assembly on or before January
38 16 15, 2010, and January 14, 2011, concerning the department's
38 17 progress in completing the evaluation and associated outcomes.

38 18 Sec. 73. EFFECTIVE UPON ENACTMENT. This division of this
38 19 Act, being deemed of immediate importance, takes effect upon
38 20 enactment.

38 21 DIVISION VII

38 22 DEPARTMENT OF ADMINISTRATIVE SERVICES == PURCHASING

38 23 Sec. 74. Section 8A.302, subsection 1, Code 2009, is amended
38 24 to read as follows:

38 25 1. Providing a system of uniform standards and
38 26 specifications for purchasing. When the system is developed,
38 27 all items of general use shall be purchased by state agencies
38 28 through the department, ~~except items used by.~~ However,
38 29 the department may authorize the state department of
38 30 transportation, institutions under the control of the state
38 31 board of regents, the department for the blind, and any other
38 32 agencies otherwise exempted by law from centralized purchasing,
38 33 to directly purchase items used by those agencies without going
38 34 through the department, if the department of administrative
38 35 services determines such purchasing is in the best interests



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39 1 of the state. However, items of general use may be purchased
39 2 through the department by any governmental entity.
39 3 Sec. 75. Section 8A.311, subsection 10, paragraph a, Code
39 4 2009, is amended to read as follows:
39 5 a. The director shall adopt rules providing that any state
39 6 agency may, upon request and approval by the department,
39 7 purchase directly from a vendor if the direct purchasing is
39 8 ~~as economical or~~ more economical than purchasing through the
39 9 department, ~~or upon a showing if the agency shows that direct~~
39 10 purchasing by the state agency would be in the best interests
39 11 of the state due to an immediate or emergency need. ~~The rules~~
~~39 12 shall include a provision permitting a state agency to purchase~~
~~39 13 directly from a vendor, on the agency's own authority, or if~~
39 14 the purchase will not exceed ten thousand dollars and the
39 15 purchase ~~will~~ would contribute to the agency complying with ~~or~~
~~39 16 exceeding~~ the targeted small business procurement goals under
39 17 sections 73.15 through 73.21.
39 18 Sec. 76. NEW SECTION. 8A.311A Centralized purchasing.
39 19 1. The department may designate goods and services of
39 20 general use that agencies shall, and governmental subdivisions
39 21 may, purchase pursuant to a master purchasing or service
39 22 contract negotiated by the department for that good or service.
39 23 The department shall negotiate a master contract subject to the
39 24 requirements of this section if the department determines that
39 25 a high-quality good or service can be acquired by agencies and
39 26 governmental subdivisions at lower cost through negotiation of
39 27 a master contract.
39 28 2. The department shall negotiate a master contract
39 29 pursuant to this section on a competitive basis, and the
39 30 purchase of a good or service pursuant to the contract shall be
39 31 deemed to satisfy any otherwise applicable competitive bidding
39 32 requirements.
39 33 3. Upon negotiation of a master contract for a good or
39 34 service pursuant to this section, an agency shall purchase the
39 35 good or service pursuant to the service contract, and shall



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40 1 not expend money to purchase the good or service directly
40 2 from a vendor and not through the contract, unless any of the
40 3 following applies:
40 4 a. The department determines, upon a request by the agency,
40 5 that the agency can satisfy the requirements for purchase of
40 6 the good or service directly from a vendor as provided in
40 7 section 8A.311, subsection 10, paragraph "a".
40 8 b. The agency is purchasing the good or service pursuant
40 9 to a service contract in effect on the effective date of the
40 10 master contract. However, the agency shall terminate the
40 11 service contract if the contract permits the termination of
40 12 the contract without penalty and the agency shall not renew
40 13 the service contract beyond the term of the existing service
40 14 contract.
40 15 Sec. 77. Section 8A.312, Code 2009, is amended to read as
40 16 follows:
40 17 8A.312 Cooperative purchasing.
40 18 The director may purchase items through the ~~state~~ department
40 19 of transportation, institutions under the control of the state
40 20 board of regents, and any other agency otherwise exempted by
40 21 law from centralized purchasing for items authorized by the
40 22 department to be exempt. These state agencies shall upon
40 23 request furnish the director with a list of and specifications
40 24 for all items of office equipment, furniture, fixtures,
40 25 motor vehicles, heavy equipment, and other related items to
40 26 be purchased during the next quarter and the date by which
40 27 the director must file with the agency the quantity of items
40 28 to be purchased by the state agency for the department.
40 29 The department shall be liable to the state agency for the
40 30 proportionate costs the items purchased for the department bear
40 31 to the total purchase price. When items purchased have been
40 32 delivered, the state agency shall notify the director and after
40 33 receipt of the purchase price shall release the items to the
40 34 director or upon the director's order.



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41 1 Sec. 78. Section 307.21, subsection 1, paragraph d, Code
41 2 Supplement 2009, is amended to read as follows:
41 3 d. Provide centralized purchasing services for the
41 4 department, ~~in cooperation with~~ if authorized by the department
41 5 of administrative services. The administrator shall, when
41 6 the price is reasonably competitive and the quality as
41 7 intended, purchase soybean-based inks and plastic products with
41 8 recycled content, including but not limited to plastic garbage
41 9 can liners, and shall purchase these items in accordance
41 10 with the schedule established in section 8A.315. However,
41 11 the administrator need not purchase garbage can liners in
41 12 accordance with the schedule if the liners are utilized by a
41 13 facility approved by the environmental protection commission
41 14 created under section 455A.6, for purposes of recycling. For
41 15 purposes of this section, "recycled content" means that the
41 16 content of the product contains a minimum of thirty percent
41 17 postconsumer material.

41 18 Sec. 79. STATE GOVERNMENT PURCHASING EFFORTS == DEPARTMENT
41 19 OF ADMINISTRATIVE SERVICES. In order to facilitate efficient
41 20 and cost-effective purchasing, the department of administrative
41 21 services shall do the following:

41 22 1. Require state agencies to provide the department a report
41 23 regarding planned purchases on an annual basis and to report
41 24 on an annual basis regarding efforts to standardize products
41 25 and services within their own agencies and with other state
41 26 agencies.

41 27 2. Require all state employees who conduct bids for services
41 28 to receive training on an annual basis about procurement rules
41 29 and regulations and procurement best practices.

41 30 3. Identify procurement compliance employees within the
41 31 department.

41 32 4. Review the process and basis for establishing
41 33 departmental fees for purchasing.

41 34 5. Establish a work group to collaborate on best practices
41 35 to implement the best cost savings for the state concerning



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42 1 purchasing.
42 2 6. Explore interstate and intergovernmental purchasing
42 3 opportunities and encourage the legislative and judicial
42 4 branches to participate in consolidated purchasing and
42 5 efficiencies wherever possible.
42 6 7. Expand the use of procurement cards throughout state
42 7 government to facilitate purchasing of items by state agencies.
42 8 DIVISION VIII
42 9 DEPARTMENT OF ADMINISTRATIVE SERVICES == OPERATIONS
42 10 Sec. 80. Section 8A.104, Code 2009, is amended by adding the
42 11 following new subsection:
42 12 NEW SUBSECTION. 12A. Examine and develop best practices
42 13 for the efficient operation of government and encourage state
42 14 agencies to adopt and implement these practices.
42 15 Sec. 81. NEW SECTION. 8A.459 State employee pay and
42 16 allowances == electronic funds transfer.
42 17 Effective July 1, 2011, notwithstanding any provision of
42 18 law to the contrary, all pay and allowances to state employees
42 19 shall be paid via electronic funds transfer. A state employee
42 20 may elect to receive pay and allowances as paper warrants
42 21 in lieu of electronic funds transfers, but the department
42 22 shall charge an administrative fee for processing such paper
42 23 warrants. However, the department may, for good cause shown,
42 24 waive the administrative fee. The fee may be automatically
42 25 deducted from the state employee's pay and allowances before
42 26 the warrant is issued to the state employee.
42 27 Sec. 82. DEPARTMENT OF ADMINISTRATIVE SERVICES ==
42 28 STREAMLINED HIRING. The department of administrative services
42 29 shall, in consultation with the department of management,
42 30 examine the process by which state agencies hire personnel
42 31 with the goal of simplifying and reducing the steps needed
42 32 for state agencies to hire personnel. The department shall
42 33 provide information to the general assembly concerning steps
42 34 taken to implement a more streamlined hiring process and any
42 35 recommendations for legislative action.



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43 1 Sec. 83. DEPARTMENT OF ADMINISTRATIVE SERVICES == REAL
43 2 ESTATE AND LEASE MANAGEMENT.
43 3 1. REAL ESTATE AUDIT. The department of administrative
43 4 services shall complete an inventory of surplus and unused
43 5 state properties and recommend which assets could be sold at a
43 6 premium price. State historic buildings would not be eligible
43 7 for sale and only those assets identified as being surplus and
43 8 no longer related to their mission would be eligible for sale.
43 9 2. LEASE AUDIT. The department of administrative services
43 10 shall conduct a thorough review of all state office leases
43 11 and wherever possible, require state agencies to consolidate
43 12 office spaces that are rented from private sector landlords.
43 13 In addition, the department should work directly with all state
43 14 agencies to begin renegotiating office leases to obtain more
43 15 favorable lease terms.
43 16 3. SALE AND LEASEBACK OF STATE OFFICE BUILDING ASSETS. The
43 17 department of administrative services shall explore potential
43 18 opportunities for state agencies and the state board of regents
43 19 to sell some properties to a private sector owner and then
43 20 lease them back.
43 21 4. REPORT. The department shall submit a report to
43 22 the general assembly by January 1, 2011, concerning the
43 23 requirements of this section. The report shall, if applicable,
43 24 identify any statutory barriers for pursuing efforts described
43 25 in this section and shall include in the report its findings
43 26 and any recommendations for legislative action.
43 27 DIVISION IX
43 28 ALCOHOLIC BEVERAGES DIVISION == REORGANIZATION
43 29 Sec. 84. Section 22.7, subsection 24, Code Supplement 2009,
43 30 is amended to read as follows:
43 31 24. Records of purchases of alcoholic liquor from
43 32 the alcoholic beverages division of the department of
43 33 ~~commerce~~ revenue which would reveal purchases made by an
43 34 individual class "E" liquor control licensee. However, the
43 35 records may be revealed for law enforcement purposes or for the



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44 1 collection of payments due the division pursuant to section
44 2 123.24.
44 3 Sec. 85. Section 123.3, subsection 14, Code 2009, is amended
44 4 to read as follows:
44 5 14. "Division" means the alcoholic beverages division of the
44 6 department of ~~commerce~~ revenue established by this chapter.
44 7 Sec. 86. Section 123.4, Code 2009, is amended to read as
44 8 follows:
44 9 123.4 Alcoholic beverages division created.
44 10 An alcoholic beverages division is created within the
44 11 department of ~~commerce~~ revenue to administer and enforce the
44 12 laws of this state concerning beer, wine, and alcoholic liquor.
44 13 Sec. 87. Section 123.14, subsection 2, Code 2009, is amended
44 14 to read as follows:
44 15 2. The county attorney, the county sheriff and the
44 16 sheriff's deputies, and the police department of every city,
44 17 and the alcoholic beverages division of the department of
44 18 ~~commerce~~ revenue, shall be supplementary aids to the department
44 19 of public safety. Any neglect, misfeasance, or malfeasance
44 20 shown by any peace officer included in this section shall be
44 21 sufficient cause for the peace officer's removal as provided by
44 22 law. This section shall not be construed to affect the duties
44 23 and responsibilities of any county attorney or peace officer
44 24 with respect to law enforcement.
44 25 Sec. 88. Section 123.53, subsections 4, 5, and 6, Code
44 26 Supplement 2009, are amended to read as follows:
44 27 4. The treasurer of state shall, each quarter, prepare
44 28 an estimate of the gaming revenues and of the moneys to be
44 29 deposited in the beer and liquor control fund that will become
44 30 available during the remainder of the appropriate fiscal year
44 31 for the purposes described in subsection 3. The department of
44 32 management, the department of inspections and appeals, and the
44 33 department of ~~commerce~~ revenue shall take appropriate actions
44 34 to provide that the sum of the amount of gaming revenues
44 35 available to be deposited into the revenue bonds debt service



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45 1 fund during a fiscal year and the amount of moneys to be
45 2 deposited in the beer and liquor control fund available to
45 3 be deposited into the revenue bonds debt service fund during
45 4 such fiscal year will be sufficient to cover any anticipated
45 5 deficiencies.

45 6 5. After any transfer provided for in subsection 3 is
45 7 made, the department of ~~commerce~~ revenue shall transfer into a
45 8 special revenue account in the general fund of the state, a sum
45 9 of money at least equal to seven percent of the gross amount
45 10 of sales made by the division from the beer and liquor control
45 11 fund on a monthly basis but not less than nine million dollars
45 12 annually. Of the amounts transferred, two million dollars,
45 13 plus an additional amount determined by the general assembly,
45 14 shall be appropriated to the Iowa department of public health
45 15 for use by the staff who administer the comprehensive substance
45 16 abuse program under chapter 125 for substance abuse treatment
45 17 and prevention programs. Any amounts received in excess of the
45 18 amounts appropriated to the Iowa department of public health
45 19 for use by the staff who administer the comprehensive substance
45 20 abuse program under chapter 125 shall be considered part of the
45 21 general fund balance.

45 22 6. After any transfers provided for in subsections 3 and
45 23 5, the department of ~~commerce~~ revenue shall transfer to the
45 24 division from the beer and liquor control fund and before any
45 25 other transfer to the general fund, an amount sufficient to pay
45 26 the costs incurred by the division for collecting and properly
45 27 disposing of the liquor containers.

45 28 Sec. 89. Section 142A.3, subsection 5, paragraph e, Code
45 29 Supplement 2009, is amended to read as follows:

45 30 e. The alcoholic beverages division of the department of
45 31 ~~commerce~~ revenue.

45 32 Sec. 90. Section 142A.4, subsection 14, Code Supplement
45 33 2009, is amended to read as follows:

45 34 14. Approve contracts entered into with the alcoholic
45 35 beverages division of the department of ~~commerce~~ revenue, to



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46 1 provide for enforcement of tobacco laws and regulations.
46 2 Sec. 91. Section 142A.5, subsection 1, paragraph e, Code
46 3 2009, is amended to read as follows:
46 4 e. Enter into contracts with the alcoholic beverages
46 5 division of the department of ~~commerce~~ revenue, to provide
46 6 enforcement of tobacco laws and regulations. Such contracts
46 7 shall require that enforcement efforts include training of
46 8 local authorities who issue retailer permits and education of
46 9 retailers.

46 10 Sec. 92. Section 321.19, subsection 1, unnumbered paragraph
46 11 2, Code 2009, is amended to read as follows:
46 12 The department shall furnish, on application, free of
46 13 charge, distinguishing plates for vehicles thus exempted,
46 14 which plates except plates on state patrol vehicles shall bear
46 15 the word "official" and the department shall keep a separate
46 16 record. Registration plates issued for state patrol vehicles,
46 17 except unmarked patrol vehicles, shall bear two red stars
46 18 on a yellow background, one before and one following the
46 19 registration number on the plate, which registration number
46 20 shall be the officer's badge number. Registration plates
46 21 issued for county sheriff's patrol vehicles shall display one
46 22 seven-pointed gold star followed by the letter "S" and the call
46 23 number of the vehicle. However, the director of the department
46 24 of administrative services or the director of transportation
46 25 may order the issuance of regular registration plates for any
46 26 exempted vehicle used by peace officers in the enforcement
46 27 of the law, persons enforcing chapter 124 and other laws
46 28 relating to controlled substances, persons in the department of
46 29 justice, the alcoholic beverages division of the department of
46 30 ~~commerce~~ revenue, disease investigators of the Iowa department
46 31 of public health, the department of inspections and appeals,
46 32 and the department of revenue, who are regularly assigned to
46 33 conduct investigations which cannot reasonably be conducted
46 34 with a vehicle displaying "official" state registration plates,
46 35 persons in the Iowa lottery authority whose regularly assigned



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47 1 duties relating to security or the carrying of lottery tickets
47 2 cannot reasonably be conducted with a vehicle displaying
47 3 "official" registration plates, persons in the department of
47 4 economic development who are regularly assigned duties relating
47 5 to existing industry expansion or business attraction, and
47 6 mental health professionals or health care professionals who
47 7 provide off=site or in=home medical or mental health services
47 8 to clients of publicly funded programs. For purposes of sale
47 9 of exempted vehicles, the exempted governmental body, upon the
47 10 sale of the exempted vehicle, may issue for in=transit purposes
47 11 a pasteboard card bearing the words "Vehicle in Transit", the
47 12 name of the official body from which the vehicle was purchased,
47 13 together with the date of the purchase plainly marked in at
47 14 least one=inch letters, and other information required by the
47 15 department. The in=transit card is valid for use only within
47 16 forty=eight hours after the purchase date as indicated on the
47 17 bill of sale which shall be carried by the driver.

47 18 Sec. 93. Section 453A.2, subsection 7, Code 2009, is amended
47 19 to read as follows:

47 20 7. A tobacco compliance employee training fund is created in
47 21 the office of the treasurer of state. The fund shall consist
47 22 of civil penalties assessed by the Iowa department of public
47 23 health under section 453A.22 for violations of this section.
47 24 Moneys in the fund are appropriated to the alcoholic beverages
47 25 division of the department of ~~commerce~~ revenue and shall be
47 26 used to develop and administer the tobacco compliance employee
47 27 training program under section 453A.5. Moneys deposited in the
47 28 fund shall not be transferred, used, obligated, appropriated,
47 29 or otherwise encumbered except as provided in this subsection.
47 30 Notwithstanding section 8.33, any unexpended balance in the
47 31 fund at the end of the fiscal year shall be retained in the
47 32 fund.

47 33 Sec. 94. Section 453A.5, subsection 1, Code 2009, is amended
47 34 to read as follows:

47 35 1. The alcoholic beverages division of the department of



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48 1 ~~commerce~~ revenue shall develop a tobacco compliance employee
48 2 training program not to exceed two hours in length for
48 3 employees and prospective employees of retailers, as defined
48 4 in sections 453A.1 and 453A.42, to inform the employees about
48 5 state and federal laws and regulations regarding the sale of
48 6 cigarettes and tobacco products to persons under eighteen years
48 7 of age and compliance with and the importance of laws regarding
48 8 the sale of cigarettes and tobacco products to persons under
48 9 eighteen years of age.
48 10 Sec. 95. Section 455C.3, subsections 2 and 5, Code 2009, are
48 11 amended to read as follows:
48 12 2. A distributor shall accept and pick up from a dealer
48 13 served by the distributor or a redemption center for a
48 14 dealer served by the distributor at least weekly, or when the
48 15 distributor delivers the beverage product if deliveries are
48 16 less frequent than weekly, any empty beverage container of the
48 17 kind, size and brand sold by the distributor, and shall pay to
48 18 the dealer or person operating a redemption center the refund
48 19 value of a beverage container and the reimbursement as provided
48 20 under section 455C.2 within one week following pickup of the
48 21 containers or when the dealer or redemption center normally
48 22 pays the distributor for the deposit on beverage products
48 23 purchased from the distributor if less frequent than weekly.
48 24 A distributor or employee or agent of a distributor is not in
48 25 violation of this subsection if a redemption center is closed
48 26 when the distributor attempts to make a regular delivery or a
48 27 regular pickup of empty beverage containers. This subsection
48 28 does not apply to a distributor selling alcoholic liquor
48 29 to the alcoholic beverages division of the department of
48 30 ~~commerce~~ revenue.
48 31 5. The alcoholic beverages division of the department
48 32 of ~~commerce~~ revenue shall provide for the disposal of empty
48 33 beverage containers as required under subsection 2. The
48 34 division shall give priority consideration to the recycling
48 35 of the empty beverage containers to the extent possible,



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50 1 on designated Fridays if the administrator determines that
50 2 anticipated sales on that Friday justify keeping the state
50 3 warehouse open. The administrator may extend the closure
50 4 authorized pursuant to this section to the succeeding fiscal
50 5 year.

50 6 Sec. 101. TOBACCO RETAIL COMPLIANCE CHECKS. The terms
50 7 of a chapter 28D agreement entered into between the division
50 8 of tobacco use prevention and control of the Iowa department
50 9 of public health and the alcoholic beverages division of the
50 10 department of commerce, governing compliance checks conducted
50 11 to ensure licensed retail tobacco outlet conformity with
50 12 tobacco laws, regulations, and ordinances relating to persons
50 13 under eighteen years of age, shall restrict the number of such
50 14 checks to one check per retail outlet for the fiscal year
50 15 beginning July 1, 2010, and ending June 30, 2011.

50 16 DIVISION XI

50 17 ALCOHOLIC BEVERAGES DIVISION == DIRECT SHIPMENT OF WINE

50 18 Sec. 102. Section 123.173, subsection 1, Code 2009, is
50 19 amended to read as follows:

50 20 1. ~~Permits~~ Except as provided in section 123.187,
50 21 permits exclusively for the sale or manufacture and sale of

50 22 wine shall be divided into four classes, and shall be known as
50 23 class "A", "B", "B" native, or "C" native wine permits.

50 24 Sec. 103. Section 123.187, Code 2009, is amended by striking
50 25 the section and inserting in lieu thereof the following:

50 26 123.187 Direct shipment of wine == licenses and requirements.

50 27 1. A wine manufacturer licensed or permitted pursuant to
50 28 laws regulating alcoholic beverages in another state may apply
50 29 for a wine direct shipper license, as provided in this section.

50 30 2. a. The administrator shall issue a wine direct
50 31 shipper license to a wine manufacturer who submits a written
50 32 application for the license on a form to be established by
50 33 the administrator by rule, accompanied by a true copy of the
50 34 manufacturer's current alcoholic beverage license or permit
50 35 issued in another state, and a copy of the manufacturer's



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51 1 winery license issued by the federal alcohol and tobacco tax
51 2 and trade bureau.
51 3 b. An application submitted pursuant to paragraph "a" shall
51 4 be accompanied by a license fee in the amount of twenty-five
51 5 dollars.
51 6 c. A license issued pursuant to this section may be renewed
51 7 annually by resubmitting the information required in paragraph
51 8 "a", accompanied by the twenty-five dollar license fee.
51 9 3. The direct shipment of wine pursuant to this
51 10 section shall be subject to the following requirements and
51 11 restrictions:
51 12 a. No more than eighteen liters of wine per month may be
51 13 shipped by a wine direct shipper licensee to a resident of
51 14 this state who is at least twenty-one years of age, for the
51 15 resident's personal use and not for resale.
51 16 b. Wine subject to direct shipping shall be properly
51 17 registered with the federal alcohol and tobacco tax and trade
51 18 bureau, and manufactured on the winery premises of the wine
51 19 direct shipper licensee.
51 20 c. All containers of wine shipped directly to a resident
51 21 of this state shall be conspicuously labeled with the words
51 22 CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED
51 23 FOR DELIVERY or shall be conspicuously labeled with alternative
51 24 wording preapproved by the administrator.
51 25 d. All containers of wine shipped directly to a resident of
51 26 this state shall be shipped by an alcohol carrier licensed as
51 27 provided in subsection 6.
51 28 4. a. In addition to the annual license fee, a wine
51 29 direct shipper licensee shall remit to the division an amount
51 30 equivalent to the wine gallonage tax at the rate specified in
51 31 section 123.183 for deposit in the beer and liquor control fund
51 32 created in section 123.53. The amount shall be remitted at
51 33 the same time and in the same manner as provided in section
51 34 123.184, and the ten percent penalty specified therein shall
51 35 be applicable.



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52 1 b. Shipment of wine pursuant to this subsection is not
52 2 subject to sales tax under section 423.2, use tax under
52 3 section 423.5, and does not require a refund value for beverage
52 4 container control purposes under chapter 455C.
52 5 5. A wine direct shipper licensee shall be deemed to
52 6 have consented to the jurisdiction of the division or any
52 7 other agency or court in this state concerning enforcement
52 8 of this section and any related laws, rules, or regulations.
52 9 A licensee shall permit the division to perform an audit of
52 10 shipping records upon request.
52 11 6. a. Wine subject to direct shipment pursuant to this
52 12 section shall be delivered only by a carrier having obtained
52 13 from the division an alcohol carrier license. An alcohol
52 14 carrier license shall be issued subject to requirements,
52 15 fees, and upon application forms to be determined by the
52 16 administrator by rule.
52 17 b. An alcohol carrier licensee shall not deliver wine to
52 18 any person under twenty-one years of age, or to any person
52 19 who either is or appears to be in an intoxicated state or
52 20 condition. A licensee shall obtain valid proof of identity and
52 21 age prior to delivery, and shall obtain the signature of an
52 22 adult as a condition of delivery.
52 23 c. An alcohol carrier licensee shall maintain records of
52 24 wine shipped which include the license number and name of the
52 25 wine manufacturer, quantity of wine shipped, recipient's name
52 26 and address, and an electronic or paper form of signature from
52 27 the recipient of the wine.
52 28 7. The holder of a permit for the sale or manufacture and
52 29 sale of wine listed in section 123.173, subsection 1, shall be
52 30 authorized under that permit and without any other licensing
52 31 requirement to ship out of this state by private common
52 32 carrier, to a person twenty-one years of age or older, not more
52 33 than eighteen liters of wine per month, for consumption or use
52 34 by the person.
52 35 8. A violation of this section shall subject a licensee to



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53 1 the penalty provisions of section 123.39.
 53 2 DIVISION XII
 53 3 DEPARTMENT OF HUMAN RIGHTS == REORGANIZATION
 53 4 Sec. 104. Section 216A.1, Code 2009, is amended to read as
 53 5 follows:
 53 6 216A.1 Department of human rights == purpose.
 53 7 1. A department of human rights is created, with the
 53 8 following divisions and offices:
 53 9 a. Division of community advocacy and services, with the
 53 10 following offices:
 53 11 ~~1. (1) Division Office~~ of Latino affairs.
 53 12 ~~2. (2) Division Office~~ on the status of women.
 53 13 ~~3. (3) Division Office~~ of persons with disabilities.
 53 14 ~~4. Division of community action agencies.~~
 53 15 ~~5. (4) Division Office~~ of deaf services.
 53 16 ~~6. Division of criminal and juvenile justice planning.~~
 53 17 ~~7. (5) Division Office~~ on the status of
 53 18 ~~African-Americans~~ African Americans.
 53 19 ~~8. (6) Division Office~~ on the status of Iowans of Asian and
 53 20 Pacific Islander heritage.
 53 21 ~~9. (7) Division Office~~ on Native American affairs.
 53 22 b. Division of community action agencies.
 53 23 c. Division of criminal and juvenile justice planning.
 53 24 2. The purpose of the department is to ensure basic
 53 25 rights, freedoms, and opportunities for all by empowering
 53 26 underrepresented Iowans and eliminating economic, social, and
 53 27 cultural barriers.
 53 28 Sec. 105. Section 216A.2, Code 2009, is amended by striking
 53 29 the section and inserting in lieu thereof the following:
 53 30 216A.2 Appointment of department director, deputy director,
 53 31 and administrators == duties.
 53 32 1. The governor shall appoint a director of the department
 53 33 of human rights, subject to confirmation by the senate pursuant
 53 34 to section 2.32. The department director shall serve at the
 53 35 pleasure of the governor and is exempt from the merit system



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54 1 provisions of chapter 8A, subchapter IV. The governor shall
54 2 set the salary of the department director within the ranges set
54 3 by the general assembly.

54 4 2. The director is the chief administrative officer of
54 5 the department and in that capacity administers the programs
54 6 and services of the department in compliance with applicable
54 7 federal and state laws and regulations. The duties of the
54 8 director include preparing a budget, establishing an internal
54 9 administrative structure, and employing personnel.

54 10 3. The department director shall appoint the administrators
54 11 of the divisions within the department and all other personnel
54 12 deemed necessary for the administration of this chapter.
54 13 The department director shall establish the duties of the
54 14 administrators of the divisions within the department.

54 15 4. The department director shall do all of the following:

54 16 a. Establish general operating policies for the department
54 17 to provide general uniformity among the offices while providing
54 18 for necessary benefits.

54 19 b. Prepare a budget for the department, subject to the
54 20 budget requirements pursuant to chapter 8, for approval by the
54 21 board.

54 22 c. Coordinate and supervise personnel services and shared
54 23 administrative support services to assure maximum support and
54 24 assistance to the divisions.

54 25 d. Identify and facilitate the opportunities for
54 26 consolidation and efficiencies within the department.

54 27 e. Serve as an ex officio member of all commissions or
54 28 councils within the department.

54 29 f. Serve as an ex officio, nonvoting member of the human
54 30 rights board.

54 31 g. Solicit and accept gifts and grants on behalf of the
54 32 department and each commission or council and administer such
54 33 gifts and grants in accordance with the terms thereof.

54 34 h. Enter into contracts with public and private individuals
54 35 and entities to conduct the business and achieve the objectives



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55 1 of the department and each commission or council.
55 2 i. Issue an annual report to the governor and general
55 3 assembly no later than November 1 of each year concerning
55 4 the operations of the department. However, the division of
55 5 criminal and juvenile justice planning and the division of
55 6 community action agencies shall submit annual reports as
55 7 specified in this chapter.
55 8 j. Seek to implement the comprehensive strategic plan
55 9 approved by the board under section 216A.3.
55 10 k. Assist the department of economic development in
55 11 implementing the requirements of chapter 73 concerning targeted
55 12 small business procurement.
55 13 Sec. 106. Section 216A.3, Code 2009, is amended by striking
55 14 the section and inserting in lieu thereof the following:
55 15 216A.3 Human rights board.
55 16 1. A human rights board is created within the department of
55 17 human rights.
55 18 2. The board shall consist of fourteen members, including
55 19 nine voting members and five nonvoting members and determined
55 20 as follows:
55 21 a. The voting members shall consist of nine voting members
55 22 selected by each of the permanent commissions within the
55 23 department, and two voting members, appointed by the governor.
55 24 For purposes of this paragraph "a", "permanent commissions"
55 25 means the commission of Latino affairs, commission on the
55 26 status of women, commission of persons with disabilities,
55 27 commission on community action agencies, commission on the
55 28 deaf, criminal and juvenile justice planning advisory council,
55 29 commission on the status of African Americans, commission on
55 30 the status of Iowans of Asian and Pacific Islander heritage,
55 31 and commission on Native American affairs.
55 32 b. The nonvoting members shall consist of the department
55 33 director, two state representatives, one appointed by the
55 34 speaker of the house of representatives and one by the minority
55 35 leader of the house of representatives, and two state senators,



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56 1 one appointed by the majority leader of the senate and one by
56 2 the minority leader of the senate.
56 3 3. A majority of the members of the board shall constitute
56 4 a quorum, and the affirmative vote of two-thirds of the voting
56 5 members is necessary for any substantive action taken by the
56 6 board. The board shall select a chairperson from the voting
56 7 members of the board. The board shall meet not less than four
56 8 times a year.
56 9 4. The board shall have the following duties:
56 10 a. Develop and monitor implementation of a comprehensive
56 11 strategic plan to remove barriers for underrepresented
56 12 populations and, in doing so, to increase Iowa's productivity
56 13 and inclusivity, including performance measures and benchmarks.
56 14 b. Approve, disapprove, amend, or modify the budget
56 15 recommended by the department director for the operation of
56 16 the department, subject to the budget requirements pursuant to
56 17 chapter 8.
56 18 c. Adopt administrative rules pursuant to chapter 17A,
56 19 upon the recommendation of the department director, for the
56 20 operation of the department.
56 21 d. By November 1 of each year, approve the department report
56 22 to the general assembly and the governor that covers activities
56 23 during the preceding fiscal year.
56 24 Sec. 107. Section 216A.4, Code 2009, is amended by adding
56 25 the following new subsections:
56 26 NEW SUBSECTION. 0A. "Board" means human rights board.
56 27 NEW SUBSECTION. 3. "Underrepresented" means the historical
56 28 marginalization of populations or groups in the United States
56 29 and Iowa, including but not limited to African Americans, Asian
56 30 and Pacific Islanders, persons who are deaf or hard of hearing,
56 31 persons with disabilities, Latinos, Native Americans, women,
56 32 persons who have low incomes, and adults or juveniles with a
56 33 criminal history.
56 34 Sec. 108. NEW SECTION. 216A.7 Access to information.
56 35 Upon request of the director or a commission, council, or



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57 1 administrator of a division of the department, all boards,
57 2 agencies, departments, and offices of the state shall make
57 3 available nonconfidential information, records, data, and
57 4 statistics which are relevant to the populations served by the
57 5 offices, councils, and commissions of the department.

57 6 Sec. 109. Section 216A.11, subsection 1, Code 2009, is
57 7 amended by striking the subsection.

57 8 Sec. 110. Section 216A.11, subsection 3, Code 2009, is
57 9 amended to read as follows:

57 10 3. ~~"Division"~~ "Office" means the ~~division~~ office of Latino
57 11 affairs of the department of human rights.

57 12 Sec. 111. Section 216A.12, Code Supplement 2009, is amended
57 13 to read as follows:

57 14 216A.12 Commission of Latino affairs == terms ==
57 15 compensation.

57 16 1. The commission of Latino affairs consists of
57 17 ~~nine~~ seven members, appointed by the governor, and subject
57 18 to confirmation by the senate pursuant to section 2.32.

57 19 Commission members shall be appointed in compliance with
57 20 sections 69.16 and 69.16A and with consideration given to
57 21 geographic residence in the state and density of Latino
57 22 population ~~represented by each member~~ in the area of geographic
57 23 residence. Commission members shall reside in the state.

57 24 2. The members of the commission shall be appointed during
57 25 the month of June and shall serve for terms of two years
57 26 commencing July 1 of each odd-numbered year. Members appointed
57 27 shall continue to serve until their respective successors are
57 28 appointed. Vacancies in the membership of the commission shall
57 29 be filled by the original appointing authority and in the
57 30 manner of the original appointments. Members shall receive
57 31 actual expenses incurred while serving in their official
57 32 capacity. Members may also be eligible to receive compensation
57 33 as provided in section 7E.6.

57 34 3. The commission shall select from its membership a
57 35 chairperson and other officers as it deems necessary and shall



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58 1 meet at least quarterly each fiscal year. A majority of the
58 2 members currently appointed to the commission shall constitute
58 3 a quorum and the affirmative vote of a majority of the
58 4 currently appointed members is necessary for any substantive
58 5 action taken by the commission. A member shall not vote on any
58 6 action if the member has a conflict of interest on the matter
58 7 and a statement by the member of a conflict of interest shall
58 8 be conclusive for this purpose.

58 9 Sec. 112. Section 216A.14, Code 2009, is amended by striking
58 10 the section and inserting in lieu thereof the following:

58 11 216A.14 Office of Latino affairs == duties.

58 12 The office of Latino affairs is established and shall do the
58 13 following:

58 14 1. Serve as the central permanent agency to advocate for
58 15 Latino persons.

58 16 2. Coordinate, assist, and cooperate with the efforts of
58 17 state departments and agencies to serve the needs of Latino
58 18 persons in the fields of education, employment, health,
58 19 housing, welfare, and recreation.

58 20 3. Develop, coordinate, and assist other public
58 21 organizations which serve Latino persons.

58 22 4. Serve as an information clearinghouse on programs and
58 23 agencies operating to assist Latino persons.

58 24 Sec. 113. Section 216A.15, subsections 1 through 9, Code
58 25 2009, are amended by striking the subsections and inserting in
58 26 lieu thereof the following:

58 27 1. Study the opportunities for and changing needs of the
58 28 Latino population of this state.

58 29 2. Serve as liaison between the office and the public,
58 30 sharing information and gathering constituency input.

58 31 3. Recommend to the board for adoption rules pursuant
58 32 to chapter 17A as it deems necessary for the commission and
58 33 office.

58 34 4. Recommend to the department director policies and
58 35 programs for the office.



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59 1 5. Establish advisory committees, work groups, or other
59 2 coalitions as appropriate.
59 3 Sec. 114. Section 216A.51, subsection 1, Code 2009, is
59 4 amended by striking the subsection.
59 5 Sec. 115. Section 216A.51, subsection 3, Code 2009, is
59 6 amended to read as follows:
59 7 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
59 8 status of women of the department of human rights.
59 9 Sec. 116. Section 216A.52, Code 2009, is amended by striking
59 10 the section and inserting in lieu thereof the following:
59 11 216A.52 Office on the status of women.
59 12 The office on the status of women is established, and shall
59 13 do all of the following:
59 14 1. Serve as the central permanent agency to advocate for
59 15 women and girls.
59 16 2. Coordinate and cooperate with the efforts of state
59 17 departments and agencies to serve the needs of women and girls
59 18 in participating fully in the economic, social, and cultural
59 19 life of the state, and provide direct assistance to individuals
59 20 who request it.
59 21 3. Serve as a clearinghouse on programs and agencies
59 22 operating to assist women and girls.
59 23 4. Develop, coordinate, and assist other public or private
59 24 organizations which serve women and girls.
59 25 Sec. 117. Section 216A.53, Code 2009, is amended by striking
59 26 the section and inserting in lieu thereof the following:
59 27 216A.53 Commission on the status of women established.
59 28 1. The commission on the status of women is established and
59 29 shall consist of seven voting members who shall be appointed by
59 30 the governor, subject to confirmation by the senate pursuant
59 31 to section 2.32, and shall represent a cross section of the
59 32 citizens of the state. No more than a simple majority of the
59 33 commission members shall be from the same political party. All
59 34 members shall reside in the state.
59 35 2. The term of office for voting members is four years.



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60 1 Members whose terms expire may be reappointed. Vacancies in
60 2 voting membership positions on the commission shall be filled
60 3 for the unexpired term in the same manner as the original
60 4 appointment. Voting members of the commission shall receive a
60 5 per diem as specified in section 7E.6 and shall be reimbursed
60 6 for actual expenses incurred while serving in their official
60 7 capacity, subject to statutory limits.

60 8 3. Members of the commission shall appoint a chairperson and
60 9 vice chairperson and any other officers as the commission deems
60 10 necessary. The commission shall meet at least quarterly during
60 11 each fiscal year. A majority of the voting members currently
60 12 appointed to the commission shall constitute a quorum. A
60 13 quorum of the members shall be required for the conduct of
60 14 business of the commission and the affirmative vote of a
60 15 majority of the currently appointed voting members is necessary
60 16 for any substantive action taken by the commission. A member
60 17 shall not vote on any action if the member has a conflict of
60 18 interest on the matter and a statement by the member of a
60 19 conflict of interest shall be conclusive for this purpose.

60 20 Sec. 118. Section 216A.54, Code 2009, is amended by striking
60 21 the section and inserting in lieu thereof the following:

60 22 216A.54 Commission powers and duties.

60 23 1. The commission shall have the following powers and
60 24 duties:

60 25 a. Study the opportunities for and changing needs of the
60 26 women and girls of this state.

60 27 b. Serve as liaison between the office and the public,
60 28 sharing information and gathering constituency input.

60 29 c. Recommend to the board the adoption of rules pursuant
60 30 to chapter 17A as it deems necessary for the commission and
60 31 office.

60 32 d. Recommend legislative and executive action to the
60 33 governor and general assembly.

60 34 e. Establish advisory committees, work groups, or other
60 35 coalitions as appropriate.



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61 1 Sec. 119. Section 216A.71, subsection 1, Code 2009, is
61 2 amended by striking the subsection.
61 3 Sec. 120. Section 216A.71, subsection 3, Code 2009, is
61 4 amended to read as follows:
61 5 3. ~~"Division"~~ "Office" means the ~~division~~ office of persons
61 6 with disabilities of the department of human rights.
61 7 Sec. 121. Section 216A.72, Code 2009, is amended by striking
61 8 the section and inserting in lieu thereof the following:
61 9 216A.72 Office of persons with disabilities.
61 10 The office of persons with disabilities is established, and
61 11 shall do all of the following:
61 12 1. Serve as the central permanent agency to advocate for
61 13 persons with disabilities.
61 14 2. Coordinate and cooperate with the efforts of state
61 15 departments and agencies to serve the needs of persons with
61 16 disabilities in participating fully in the economic, social,
61 17 and cultural life of the state, and provide direct assistance
61 18 to individuals who request it.
61 19 3. Develop, coordinate, and assist other public or private
61 20 organizations which serve persons with disabilities.
61 21 4. Serve as an information clearinghouse on programs and
61 22 agencies operating to assist persons with disabilities.
61 23 Sec. 122. Section 216A.74, Code Supplement 2009, is amended
61 24 by striking the section and inserting in lieu thereof the
61 25 following:
61 26 216A.74 Commission of persons with disabilities established.
61 27 1. The commission of persons with disabilities is
61 28 established and shall consist of seven voting members
61 29 appointed by the governor subject to confirmation by the
61 30 senate pursuant to section 2.32. Insofar as practicable,
61 31 the commission shall consist of persons with disabilities;
61 32 family members of persons with disabilities; representatives of
61 33 industry, labor, business, and agriculture; representatives of
61 34 federal, state, and local government; and representatives of
61 35 religious, charitable, fraternal, civic, educational, medical,



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62 1 legal, veteran, welfare, and other professional groups and
62 2 organizations. Members of the commission shall be appointed
62 3 with consideration given to geographic residence of the state.
62 4 All members shall reside in the state.

62 5 2. Terms of office are four years and shall begin and end
62 6 pursuant to section 69.19. Members whose terms expire may
62 7 be reappointed. Vacancies on the commission shall be filled
62 8 for the unexpired term in the same manner as the original
62 9 appointment. Voting members shall receive actual expenses
62 10 incurred while serving in their official capacity, subject
62 11 to statutory limits. Voting members may also be eligible to
62 12 receive compensation as provided in section 7E.6.

62 13 3. Members of the commission shall appoint a chairperson.
62 14 The commission shall meet at least quarterly during each fiscal
62 15 year. A majority of the voting members currently appointed
62 16 to the commission shall constitute a quorum. A quorum shall
62 17 be required for the conduct of business of the commission and
62 18 the affirmative vote of a majority of the currently appointed
62 19 voting members is necessary for any substantive action taken by
62 20 the commission. A member shall not vote on any action if the
62 21 member has a conflict of interest on the matter and a statement
62 22 by the member of a conflict of interest shall be conclusive for
62 23 this purpose.

62 24 Sec. 123. Section 216A.75, Code 2009, is amended by striking
62 25 the section and inserting in lieu thereof the following:

62 26 216A.75 Commission powers and duties.

62 27 The commission shall have the following powers and duties:

62 28 1. Study the opportunities for and changing needs of persons
62 29 with disabilities in this state.

62 30 2. Serve as liaisons between the office and the public,
62 31 sharing information and gathering constituency input.

62 32 3. Recommend to the board the adoption of rules pursuant
62 33 to chapter 17A as it deems necessary for the commission and
62 34 office.

62 35 4. Recommend legislative and executive action to the



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63 1 governor and general assembly.
63 2 5. Establish advisory committees, work groups, or other
63 3 coalitions as appropriate.
63 4 Sec. 124. Section 216A.92, Code 2009, is amended by striking
63 5 the section and inserting in lieu thereof the following:
63 6 216A.92 Division of community action agencies.
63 7 1. The division of community action agencies is
63 8 established. The purpose of the division of community action
63 9 agencies is to strengthen, supplement, and coordinate efforts
63 10 to develop the full potential of each citizen by recognizing
63 11 certain community action agencies and supporting certain
63 12 community-based programs delivered by community action
63 13 agencies.
63 14 2. The division shall do all of the following:
63 15 a. Provide financial assistance for community action
63 16 agencies to implement community action programs, as permitted
63 17 by the community service block grant and subject to the funding
63 18 made available for the program.
63 19 b. Administer the community services block grant, the
63 20 low-income energy assistance block grants, department of energy
63 21 funds for weatherization, and other possible funding sources.
63 22 If a political subdivision is the community action agency,
63 23 the financial assistance shall be allocated to the political
63 24 subdivision.
63 25 c. Implement accountability measures for its programs and
63 26 require regular reporting on the measures by the community
63 27 action agencies.
63 28 d. Issue an annual report to the governor and general
63 29 assembly by July 1 of each year.
63 30 Sec. 125. Section 216A.92A, subsection 1, paragraph c, Code
63 31 2009, is amended to read as follows:
63 32 c. One-third of the members shall be persons who, according
63 33 to federal guidelines, have incomes at or below one hundred
63 34 eighty-five percent of poverty level.



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64 1 Sec. 126. Section 216A.92A, subsection 3, Code 2009, is
64 2 amended to read as follows:

64 3 3. The commission shall select from its membership a
64 4 chairperson and other officers as it deems necessary. The
64 5 commission shall meet no less than four times per year. A
64 6 majority of the members of the commission shall constitute a
64 7 quorum.

64 8 Sec. 127. Section 216A.92B, Code 2009, is amended by
64 9 striking the section and inserting in lieu thereof the
64 10 following:

64 11 216A.92B Commission powers and duties.

64 12 The commission shall have the following powers and duties:

64 13 1. Recommend to the board the adoption of rules pursuant
64 14 to chapter 17A as it deems necessary for the commission and
64 15 division.

64 16 2. Supervise the collection of data regarding the scope of
64 17 services provided by the community action agencies.

64 18 3. Serve as liaisons between the division and the public,
64 19 sharing information and gathering constituency input.

64 20 4. Make recommendations to the governor and the general
64 21 assembly for executive and legislative action designed to
64 22 improve the status of low-income persons in the state.

64 23 5. Establish advisory committees, work groups, or other
64 24 coalitions as appropriate.

64 25 Sec. 128. Section 216A.93, Code 2009, is amended to read as
64 26 follows:

64 27 216A.93 Establishment of community action agencies.

64 28 The division shall recognize and assist in the designation
64 29 of certain community action agencies to assist in the

64 30 delivery of community action programs. These programs shall
64 31 include, but not be limited to, outreach, community services

64 32 block grant, low-income energy assistance, and weatherization
64 33 programs. If a community action agency is in effect and

64 34 currently serving an area, that community action agency shall
64 35 become the designated community action agency for that area.



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65 1 ~~If there is not a designated community action agency in the~~
65 2 ~~area a city council or county board of supervisors or any~~
65 3 ~~combination of one or more councils or boards may establish~~
65 4 ~~a community action agency and may apply to the division for~~
65 5 ~~recognition. The council or board or the combination may adopt~~
65 6 ~~an ordinance or resolution establishing a community action~~
65 7 ~~agency if a community action agency has not been designated.~~
65 8 ~~It is the purpose of the division of community action agencies~~
65 9 ~~to strengthen, supplement, and coordinate efforts to develop~~
65 10 ~~the full potential of each citizen by recognizing certain~~
65 11 ~~community action agencies and the continuation of certain~~
65 12 ~~community-based programs delivered by community action~~
65 13 ~~agencies. If any geographic area of the state ceases to be~~
65 14 ~~served by a designated community action agency, the division~~
65 15 ~~may solicit applications and assist the governor in designating~~
65 16 ~~a community action agency for that area in accordance with~~
65 17 ~~current community services block grant requirements.~~

65 18 Sec. 129. Section 216A.94, subsection 2, Code 2009, is
65 19 amended to read as follows:

65 20 2. Notwithstanding subsection 1, a public agency
65 21 shall establish an advisory board ~~or may contract with a~~
65 22 ~~delegate agency to assist the governing board in meeting~~
65 23 ~~the requirements of section 216A.95. The advisory board ~~or~~~~
65 24 ~~delegate agency board shall be composed of the same type~~
65 25 ~~of membership as a board of directors for community action~~
65 26 ~~agencies under subsection 1. ~~However, the public agency acting~~~~
65 27 ~~as In addition, the advisory board of the community action~~
65 28 ~~agency shall have the sole authority to determine annual~~
65 29 ~~program budget requests.~~

65 30 Sec. 130. Section 216A.95, subsection 1, Code 2009, is
65 31 amended by striking the subsection and inserting in lieu
65 32 thereof the following:

65 33 1. The governing board or advisory board shall fully
65 34 participate in the development, planning, implementation, and
65 35 evaluation of programs to serve low-income communities.



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66 1 Sec. 131. Section 216A.96, subsection 1, Code 2009, is
66 2 amended by striking the subsection and inserting in lieu
66 3 thereof the following:

66 4 1. Plan and implement strategies to alleviate the
66 5 conditions of poverty and encourage self-sufficiency for
66 6 citizens in its service area and in Iowa. In doing so,
66 7 an agency shall plan for a community action program by
66 8 establishing priorities among projects, activities, and areas
66 9 to provide for the most efficient use of possible resources.

66 10 Sec. 132. Section 216A.96, subsection 4, Code 2009, is
66 11 amended to read as follows:

66 12 4. Encourage and support self-help, volunteer, business,
66 13 labor, and other groups and organizations to assist public
66 14 officials and agencies in supporting a community action program
66 15 ~~which results in the additional use of~~ by providing private
66 16 ~~resources while,~~ developing new employment opportunities,
66 17 encouraging investments ~~which have an impact on reducing~~
~~66 18 poverty among the poor~~ in areas of concentrated poverty, and
66 19 providing methods by which low-income persons can work with
66 20 private organizations, businesses, and institutions in seeking
66 21 solutions to problems of common concern.

66 22 Sec. 133. Section 216A.97, Code 2009, is amended to read as
66 23 follows:

66 24 216A.97 Administration.

66 25 A community action agency or a delegate agency may
66 26 administer the components of a community action program
66 27 when the program is consistent with plans and purposes and
66 28 applicable law. The community action programs may be projects
66 29 which are eligible for assistance from any source. The
66 30 programs shall be developed to meet local needs and may be
66 31 designed to meet eligibility standards of a federal or state
66 32 program ~~providing assistance to a plan to meet local needs.~~

66 33 Sec. 134. Section 216A.98, Code 2009, is amended to read as
66 34 follows:

66 35 216A.98 Audit.



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67 1 Each community action agency shall be audited annually but
67 2 shall not be required to obtain a duplicate audit to meet the
67 3 requirements of this section. In lieu of an audit by the
67 4 auditor of state, the community action agency may contract with
67 5 or employ a certified public accountant to conduct the audit,
67 6 pursuant to the applicable terms and conditions prescribed by
67 7 sections 11.6 and 11.19 and an audit format prescribed by the
67 8 auditor of state. Copies of each audit shall be furnished to
67 9 the division ~~within three months following the annual audit in~~
67 10 a manner prescribed by the division.

67 11 Sec. 135. Section 216A.102, subsection 3, Code 2009, is
67 12 amended to read as follows:

67 13 3. Under rules developed by the division of community action
67 14 agencies of the department of human rights and adopted by
67 15 the board, the fund may be used to negotiate reconnection of
67 16 essential utility services with the energy provider.

67 17 Sec. 136. Section 216A.104, subsections 4 and 5, Code 2009,
67 18 are amended by striking the subsections.

67 19 Sec. 137. Section 216A.107, subsection 2, Code Supplement
67 20 2009, is amended to read as follows:

67 21 2. Unless otherwise provided by law, terms of members,
67 22 election of officers, and other procedural matters shall be
67 23 as determined by the council. A quorum shall be required for
67 24 the conduct of business of the council and the affirmative
67 25 vote of a majority of the currently appointed voting members
67 26 is necessary for any substantive action taken by the council.
67 27 A member shall not vote on any action if the member has a
67 28 conflict of interest on the matter and a statement by the
67 29 member of a conflict of interest shall be conclusive for this
67 30 purpose.

67 31 Sec. 138. Section 216A.111, subsection 1, Code 2009, is
67 32 amended by striking the subsection.

67 33 Sec. 139. Section 216A.111, subsection 3, Code 2009, is
67 34 amended to read as follows:

67 35 3. ~~"Division"~~ "Office" means the ~~division~~ office of deaf



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68 1 services of the department of human rights.
68 2 Sec. 140. Section 216A.112, Code 2009, is amended by
68 3 striking the section and inserting in lieu thereof the
68 4 following:
68 5 216A.112 Office of deaf services.
68 6 The office of deaf services is established, and shall do all
68 7 of the following:
68 8 1. Serve as the central permanent agency to advocate for
68 9 persons who are deaf or hard of hearing.
68 10 2. Coordinate and cooperate with the efforts of state
68 11 departments and agencies to serve the needs of persons who are
68 12 deaf or hard of hearing in participating fully in the economic,
68 13 social, and cultural life of the state, and provide direct
68 14 assistance to individuals who request it.
68 15 3. Develop, coordinate, and assist other public or private
68 16 organizations which serve persons who are deaf or hard of
68 17 hearing.
68 18 4. Serve as an information clearinghouse on programs and
68 19 agencies operating to assist persons who are deaf or hard of
68 20 hearing.
68 21 Sec. 141. Section 216A.113, Code 2009, is amended by
68 22 striking the section and inserting in lieu thereof the
68 23 following:
68 24 216A.113 Deaf services commission established.
68 25 1. The commission on the deaf is established, and shall
68 26 consist of seven voting members appointed by the governor,
68 27 subject to confirmation by the senate pursuant to section
68 28 2.32. Lists of nominees for appointment to membership on the
68 29 commission may be submitted by the Iowa association of the
68 30 deaf, the Iowa state registry of interpreters for the deaf,
68 31 the Iowa school for the deaf, and the commission of persons
68 32 with disabilities. Membership of the commission shall include
68 33 at least four members who are deaf and who cannot hear human
68 34 speech with or without use of amplification and at least one
68 35 member who is hard of hearing. All members shall reside in



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69 1 Iowa.

69 2 2. Terms of office are three years and shall begin and end
69 3 pursuant to section 69.19. Members whose terms expire may be
69 4 reappointed. Vacancies on the commission may be filled for
69 5 the remainder of the term in the same manner as the original
69 6 appointment. Members shall receive actual expenses incurred
69 7 while serving in their official capacity, subject to statutory
69 8 limits. Members may also be eligible to receive compensation
69 9 as provided in section 7E.6.

69 10 3. Members of the commission shall appoint a chairperson
69 11 and vice chairperson and other officers as the commission
69 12 deems necessary. The commission shall meet at least quarterly
69 13 during each fiscal year. A majority of the members currently
69 14 appointed to the commission shall constitute a quorum. A
69 15 quorum shall be required for the conduct of business of the
69 16 commission and the affirmative vote of a majority of the
69 17 currently appointed members is necessary for any substantive
69 18 action taken by the commission. A member shall not vote on any
69 19 action if the member has a conflict of interest on the matter
69 20 and a statement by the member of a conflict of interest shall
69 21 be conclusive for this purpose.

69 22 Sec. 142. Section 216A.114, Code 2009, is amended by
69 23 striking the section and inserting in lieu thereof the
69 24 following:

69 25 216A.114 Commission powers and duties.

69 26 The commission shall have the following powers and duties:

69 27 1. Study the changing needs and aspirations of the deaf and
69 28 hard-of-hearing people in this state.

69 29 2. Serve as a liaison between the office and the public,
69 30 sharing information and gathering constituency input.

69 31 3. Recommend to the board for adoption rules pursuant
69 32 to chapter 17A as it deems necessary for the commission and
69 33 office.

69 34 4. Recommend legislative and executive action to the
69 35 governor and general assembly.



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70 1 5. Establish advisory committees, work groups, or other
70 2 coalitions as appropriate.
70 3 Sec. 143. NEW SECTION. 216A.131A Division of criminal and
70 4 juvenile justice planning.
70 5 The division of criminal and juvenile justice planning is
70 6 established to fulfill the responsibilities of this subchapter,
70 7 including the duties specified in sections 216A.135, 216A.136,
70 8 216A.137, 216A.138, and 216A.139.
70 9 Sec. 144. Section 216A.132, subsection 1, unnumbered
70 10 paragraph 1, Code 2009, is amended to read as follows:
70 11 A criminal and juvenile justice planning advisory council is
70 12 established consisting of twenty=three members who shall all
70 13 reside in the state.
70 14 Sec. 145. Section 216A.132, subsection 1, paragraph b, Code
70 15 2009, is amended to read as follows:
70 16 b. The departments of human services, corrections,
70 17 and public safety, the ~~division office~~ on the status of
70 18 ~~African-Americans~~ African Americans, the Iowa department of
70 19 public health, the chairperson of the board of parole, the
70 20 attorney general, the state public defender, the governor's
70 21 office of drug control policy, and the chief justice of the
70 22 supreme court shall each designate a person to serve on the
70 23 council. The person appointed by the Iowa department of public
70 24 health shall be from the departmental staff who administer the
70 25 comprehensive substance abuse program under chapter 125.
70 26 Sec. 146. Section 216A.132, Code 2009, is amended by adding
70 27 the following new subsection:
70 28 NEW SUBSECTION. 3. Members of the council shall appoint
70 29 a chairperson and vice chairperson and other officers as the
70 30 council deems necessary. A majority of the voting members
70 31 currently appointed to the council shall constitute a quorum.
70 32 A quorum shall be required for the conduct of business of the
70 33 council and the affirmative vote of a majority of the currently
70 34 appointed members is necessary for any substantive action taken
70 35 by the council. A member shall not vote on any action if the



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71 1 member has a conflict of interest on the matter and a statement
71 2 by the member of a conflict of interest shall be conclusive for
71 3 this purpose.

71 4 Sec. 147. Section 216A.133, subsection 5, Code 2009, is
71 5 amended to read as follows:

71 6 5. Administer federal funds and funds appropriated by
71 7 the state or that are otherwise available in compliance with
71 8 applicable laws, regulations, and other requirements for
71 9 purposes of study, research, investigation, planning, and
71 10 implementation in the areas of criminal and juvenile justice.

71 11 Sec. 148. Section 216A.133, Code 2009, is amended by adding
71 12 the following new subsections:

71 13 NEW SUBSECTION. 8. Provide input to the department director
71 14 in the development of budget recommendations for the division.

71 15 NEW SUBSECTION. 9. Serve as liaison between the division
71 16 and the public, sharing information and gathering constituency
71 17 input.

71 18 NEW SUBSECTION. 10. Recommend to the board for adoption
71 19 rules pursuant to chapter 17A as it deems necessary for the
71 20 council and division.

71 21 NEW SUBSECTION. 11. Recommend legislative and executive
71 22 action to the governor and general assembly.

71 23 NEW SUBSECTION. 12. Establish advisory committees, work
71 24 groups, or other coalitions as appropriate.

71 25 Sec. 149. Section 216A.138, subsection 8, Code 2009, is
71 26 amended by striking the subsection.

71 27 Sec. 150. Section 216A.141, subsection 1, Code 2009, is
71 28 amended by striking the subsection.

71 29 Sec. 151. Section 216A.141, subsection 3, Code 2009, is
71 30 amended to read as follows:

71 31 3. ~~"Division"~~ "Office" means the ~~division~~ office on the
71 32 status of ~~African-Americans~~ African Americans of the department
71 33 of human rights.



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72 1 Sec. 152. Section 216A.142, Code 2009, is amended by
72 2 striking the section and inserting in lieu thereof the
72 3 following:
72 4 216A.142 Commission on the status of African Americans
72 5 established.
72 6 1. The commission on the status of African Americans is
72 7 established and shall consist of seven members appointed
72 8 by the governor, subject to confirmation by the senate.
72 9 Commission members shall be appointed with consideration given
72 10 to geographic residence. All members shall reside in Iowa.
72 11 At least five members shall be individuals who are African
72 12 American.
72 13 2. Terms of office are staggered four-year terms. Members
72 14 whose terms expire may be reappointed. Vacancies on the
72 15 commission shall be filled for the remainder of the term of and
72 16 in the same manner as the original appointment. The commission
72 17 shall meet quarterly and may hold special meetings on the call
72 18 of the chairperson. The members of the commission shall be
72 19 reimbursed for actual expenses while engaged in their official
72 20 duties. Members may also be eligible to receive compensation
72 21 as provided in section 7E.6.
72 22 3. Members of the commission shall appoint a chairperson
72 23 and vice chairperson and other officers as the commission
72 24 deems necessary. A majority of members of the commission
72 25 shall constitute a quorum. A quorum shall be required for the
72 26 conduct of business of the commission and the affirmative vote
72 27 of a majority of the currently appointed members is necessary
72 28 for any substantive action taken by the commission. A member
72 29 shall not vote on any action if the member has a conflict of
72 30 interest on the matter and a statement by the member of a
72 31 conflict of interest shall be conclusive for this purpose.
72 32 Sec. 153. Section 216A.143, Code 2009, is amended by
72 33 striking the section and inserting in lieu thereof the
72 34 following:
72 35 216A.143 Commission powers and duties.



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73 1 The commission shall have the following powers and duties:
73 2 1. Study the opportunities for and changing needs of the
73 3 African American community in this state.
73 4 2. Serve as liaison between the office and the public,
73 5 sharing information and gathering constituency input.
73 6 3. Recommend to the board for adoption rules pursuant
73 7 to chapter 17A as it deems necessary for the commission and
73 8 office.
73 9 4. Recommend executive and legislative action to the
73 10 governor and general assembly.
73 11 5. Establish advisory committees, work groups, or other
73 12 coalitions as appropriate.
73 13 Sec. 154. Section 216A.146, Code 2009, is amended by
73 14 striking the section and inserting in lieu thereof the
73 15 following:
73 16 216A.146 Office on the status of African Americans.
73 17 The office on the status of African Americans is established
73 18 and shall do all of the following:
73 19 1. Serve as the central permanent agency to advocate for
73 20 African Americans.
73 21 2. Coordinate and cooperate with the efforts of state
73 22 departments and agencies to serve the needs of African
73 23 Americans in participating fully in the economic, social, and
73 24 cultural life of the state, and provide direct assistance to
73 25 individuals who request it.
73 26 3. Develop, coordinate, and assist other public or private
73 27 organizations which serve African Americans.
73 28 4. Serve as an information clearinghouse on programs and
73 29 agencies operating to assist African Americans.
73 30 Sec. 155. Section 216A.151, subsection 1, Code 2009, is
73 31 amended by striking the subsection.
73 32 Sec. 156. Section 216A.151, subsection 4, Code 2009, is
73 33 amended to read as follows:
73 34 4. ~~"Division"~~ "Office" means the ~~division~~ office on the
73 35 status of Iowans of Asian and Pacific Islander heritage of the



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74 1 department of human rights.
74 2 Sec. 157. Section 216A.152, Code 2009, is amended by
74 3 striking the section and inserting in lieu thereof the
74 4 following:
74 5 216A.152 Commission on Asian and Pacific Islander affairs
74 6 established.
74 7 1. The commission on Asian and Pacific Islander affairs is
74 8 established and shall consist of seven members appointed by the
74 9 governor, subject to confirmation by the senate. Members shall
74 10 be appointed representing every geographical area of the state
74 11 and ethnic groups of Asian and Pacific Islander heritage. All
74 12 members shall reside in Iowa.
74 13 2. Terms of office are four years and shall begin and end
74 14 pursuant to section 69.19. Members whose terms expire may be
74 15 reappointed. Vacancies on the commission may be filled for the
74 16 remainder of the term of and in the same manner as the original
74 17 appointment. Members shall receive actual expenses incurred
74 18 while serving in their official capacity, subject to statutory
74 19 limits. Members may also be eligible to receive compensation
74 20 as provided in section 7E.6.
74 21 3. Members of the commission shall appoint a chairperson
74 22 and vice chairperson and other officers as the commission deems
74 23 necessary. The commission shall meet at least quarterly during
74 24 each fiscal year. A majority of the members of the commission
74 25 shall constitute a quorum. A quorum shall be required for the
74 26 conduct of business of the commission and the affirmative vote
74 27 of a majority of the currently appointed members is necessary
74 28 for any substantive action taken by the commission. A member
74 29 shall not vote on any action if the member has a conflict of
74 30 interest on the matter and a statement by the member of a
74 31 conflict of interest shall be conclusive for this purpose.
74 32 Sec. 158. Section 216A.153, Code 2009, is amended by
74 33 striking the section and inserting in lieu thereof the
74 34 following:
74 35 216A.153 Commission powers and duties.



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75 1 The commission shall have the following powers and duties:
75 2 1. Study the opportunities for and changing needs of the
75 3 Asian and Pacific Islander persons in this state.
75 4 2. Serve as liaison between the office and the public,
75 5 sharing information and gathering constituency input.
75 6 3. Recommend to the board for adoption rules pursuant
75 7 to chapter 17A as it deems necessary for the commission and
75 8 office.
75 9 4. Recommend legislative and executive action to the
75 10 governor and general assembly.
75 11 5. Establish advisory committees, work groups, or other
75 12 coalitions as appropriate.
75 13 Sec. 159. Section 216A.154, Code 2009, is amended by
75 14 striking the section and inserting in lieu thereof the
75 15 following:
75 16 216A.154 Office on the status of Iowans of Asian and Pacific
75 17 Islander heritage.
75 18 The office on the status of Iowans of Asian and Pacific
75 19 Islander Heritage is established and shall do all of the
75 20 following:
75 21 1. Serve as the central permanent agency to advocate for
75 22 Iowans of Asian and Pacific Islander heritage.
75 23 2. Coordinate and cooperate with the efforts of state
75 24 departments and agencies to serve the needs of Iowans of Asian
75 25 and Pacific Islander heritage in participating fully in the
75 26 economic, social, and cultural life of the state, and provide
75 27 direct assistance to individuals who request it.
75 28 3. Develop, coordinate, and assist other public or private
75 29 organizations which serve Iowans of Asian and Pacific Islander
75 30 heritage.
75 31 4. Serve as an information clearinghouse on programs
75 32 and agencies operating to assist Iowans of Asian and Pacific
75 33 Islander heritage.
75 34 Sec. 160. Section 216A.161, subsection 1, Code 2009, is
75 35 amended by striking the subsection.



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76 1 Sec. 161. Section 216A.161, subsection 3, Code 2009, is
76 2 amended to read as follows:
76 3 3. ~~"Division"~~ "Office" means the ~~division~~ office on Native
76 4 American affairs of the department of human rights.

76 5 Sec. 162. Section 216A.162, subsection 1, Code 2009, is
76 6 amended to read as follows:

76 7 1. A commission on Native American affairs is established
76 8 consisting of eleven voting members appointed by the governor,
76 9 subject to confirmation by the senate. ~~The members of the~~
~~76 10 commission shall appoint one of the members to serve as~~
~~76 11 chairperson of the commission.~~

76 12 Sec. 163. Section 216A.162, Code 2009, is amended by adding
76 13 the following new subsection:

76 14 NEW SUBSECTION. 4. Members of the commission shall appoint
76 15 one of their members to serve as chairperson and may appoint
76 16 such other officers as the commission deems necessary. The
76 17 commission shall meet at least four times per year and shall
76 18 hold special meetings on the call of the chairperson. The
76 19 members of the commission shall be reimbursed for actual
76 20 expenses while engaged in their official duties. A member
76 21 may also be eligible to receive compensation as provided in
76 22 section 7E.6. A majority of the members of the commission
76 23 shall constitute a quorum. A quorum shall be required for the
76 24 conduct of business of the commission and the affirmative vote
76 25 of a majority of the currently appointed members is necessary
76 26 for any substantive action taken by the commission. A member
76 27 shall not vote on any action if the member has a conflict of
76 28 interest on the matter and a statement by the member of a
76 29 conflict of interest shall be conclusive for this purpose.

76 30 Sec. 164. Section 216A.165, subsections 1 through 9, Code
76 31 2009, are amended by striking the subsections and inserting in
76 32 lieu thereof the following:

76 33 1. Study the opportunities for and changing needs of Native
76 34 American persons in this state.
76 35 2. Serve as a liaison between the department and the public,



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77 1 sharing information and gathering constituency input.
77 2 3. Recommend to the board for adoption rules pursuant
77 3 to chapter 17A as it deems necessary for the commission and
77 4 office.
77 5 4. Recommend legislative and executive action to the
77 6 governor and general assembly.
77 7 5. Establish advisory committees, work groups, or other
77 8 coalitions as appropriate.
77 9 Sec. 165. Section 216A.166, Code 2009, is amended by
77 10 striking the section and inserting in lieu thereof the
77 11 following:
77 12 216A.166 Office of Native American affairs.
77 13 The office of Native American affairs is established and
77 14 shall do all of the following:
77 15 1. Serve as the central permanent agency to advocate for
77 16 Native Americans.
77 17 2. Coordinate and cooperate with the efforts of state
77 18 departments and agencies to serve the needs of Native Americans
77 19 in participating fully in the economic, social, and cultural
77 20 life of the state, and provide direct assistance to individuals
77 21 who request it.
77 22 3. Develop, coordinate, and assist other public or private
77 23 organizations which serve Native Americans.
77 24 4. Serve as an information clearinghouse on programs and
77 25 agencies operating to assist Native Americans.
77 26 Sec. 166. Section 216A.167, subsections 1 and 2, Code 2009,
77 27 are amended by striking the subsections.
77 28 Sec. 167. Section 216A.167, subsection 3, unnumbered
77 29 paragraph 1, Code 2009, is amended to read as follows:
77 30 The commission and office shall not have the authority to do
77 31 any of the following:
77 32 Sec. 168. REPEAL. Sections 216A.13, 216A.16, 216A.17,
77 33 216A.55, 216A.56, 216A.57, 216A.58, 216A.59, 216A.60, 216A.73,
77 34 216A.76, 216A.77, 216A.78, 216A.79, 216A.101, 216A.103,
77 35 216A.115, 216A.116, 216A.117, 216A.134, 216A.144, 216A.145,



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78 1 216A.147, 216A.148, 216A.149, 216A.155, 216A.156, 216A.157,
78 2 216A.158, 216A.159, 216A.160, 216A.164, 216A.168, 216A.169, and
78 3 216A.170, Code 2009, are repealed.

78 4 Sec. 169. DEPARTMENT OF HUMAN RIGHTS REORGANIZATION ==
78 5 TRANSITION PROVISIONS.

78 6 1. Except for the department director, no other employee
78 7 of the department of human rights shall be appointed by the
78 8 governor. Those persons now occupying positions that were
78 9 previously appointed by the governor shall be subject to the
78 10 merit system and state human resource management system as
78 11 provided by sections 8A.412 and 8A.413.

78 12 2. Through December 31, 2010, the department director shall
78 13 be granted reasonable flexibility within the department's
78 14 appropriation and allotted full-time equivalent positions to
78 15 reassign, retrain, or reclassify personnel as deemed necessary
78 16 in order to most effectively and efficiently carry out the
78 17 department's mission. Any personnel in the state merit system
78 18 of employment who are transferred from one work unit to another
78 19 due to the effect of this division of this Act shall be so
78 20 transferred without any loss in salary, benefits, or accrued
78 21 years of service.

78 22 3. In regard to updating references and format in the Iowa
78 23 administrative code in order to correspond to the transferring
78 24 of the authority to adopt rules from the previous divisions
78 25 of the department of human rights to the department of human
78 26 rights as established by this division of this Act, the
78 27 administrative rules coordinator and the administrative rules
78 28 review committee, in consultation with the administrative code
78 29 editor, shall jointly develop a schedule for the necessary
78 30 updating of the Iowa administrative code.

78 31 4. Current contracts that bind any division of the
78 32 department of human rights shall be honored by the department,
78 33 or expediently and judiciously amended if changes in the name
78 34 of the contractor must be made before the expiration of the
78 35 contract.



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79 1 5. All client and organizational files in the possession
79 2 of any office subsumed within the division of community
79 3 advocacy and services as enacted by this division of this Act
79 4 will become the property of the office that will serve that
79 5 population.

79 6 6. Any replacement of signs, logos, stationery, insignia,
79 7 uniforms, and related items that is made due to the effect of
79 8 this division of this Act shall if possible be done as part of
79 9 the normal replacement cycle for such items.

79 10 7. a. The terms of office of voting members of the
79 11 following commissions shall terminate effective July 1, 2010.

79 12 (1) Commission of Latino affairs.

79 13 (2) Commission on the status of women.

79 14 (3) Commission of persons with disabilities.

79 15 (4) Commission on the status of African Americans.

79 16 (5) Commission on Asian and Pacific Islander affairs.

79 17 b. Members whose terms are terminated may reapply for
79 18 reappointment to that commission.

79 19 c. Appointments to the commissions described in this
79 20 subsection shall be staggered.

79 21 DIVISION XIII

79 22 GAMBLING SETOFFS

79 23 Sec. 170. Section 99D.28, subsection 1, Code 2009, is
79 24 amended to read as follows:

79 25 1. A licensee or a person acting on behalf of a licensee
79 26 shall be provided electronic access to the names of the
79 27 persons indebted to a claimant agency pursuant to the process
79 28 established pursuant to section 99D.7, subsection 23. The
79 29 electronic access provided by the claimant agency shall include
79 30 access to the names of the debtors, their social security
79 31 numbers, and any other information that assists the licensee
79 32 in identifying the debtors. If the name of a debtor provided
79 33 to the licensee through electronic access is retrieved by
79 34 the licensee and the winnings are equal to or greater than
79 35 ~~ten~~ one thousand two hundred dollars per occurrence, the



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80 1 retrieval of such a name shall constitute a valid lien upon and
80 2 claim of lien against the winnings of the debtor whose name
80 3 is electronically retrieved from the claimant agency. If a
80 4 debtor's winnings are equal to or greater than ~~ten~~ one thousand
80 5 two hundred dollars per occurrence, the full amount of the debt
80 6 shall be collectible from any winnings due the debtor without
80 7 regard to limitations on the amounts that may be collectible in
80 8 increments through setoff or other proceedings.

80 9 Sec. 171. Section 99F.19, subsection 1, Code 2009, is
80 10 amended to read as follows:

80 11 1. A licensee or a person acting on behalf of a licensee
80 12 shall be provided electronic access to the names of the
80 13 persons indebted to a claimant agency pursuant to the process
80 14 established pursuant to section 99F.4, subsection 26. The
80 15 electronic access provided by the claimant agency shall include
80 16 access to the names of the debtors, their social security
80 17 numbers, and any other information that assists the licensee
80 18 in identifying the debtors. If the name of a debtor provided
80 19 to the licensee through electronic access is retrieved by
80 20 the licensee and the winnings are equal to or greater than
80 21 ~~ten~~ one thousand two hundred dollars per occurrence, the
80 22 retrieval of such a name shall constitute a valid lien upon and
80 23 claim of lien against the winnings of the debtor whose name
80 24 is electronically retrieved from the claimant agency. If a
80 25 debtor's winnings are equal to or greater than ~~ten~~ one thousand
80 26 two hundred dollars per occurrence, the full amount of the debt
80 27 shall be collectible from any winnings due the debtor without
80 28 regard to limitations on the amounts that may be collectible in
80 29 increments through setoff or other proceedings.

80 30 DIVISION XIV

80 31 DEPARTMENT OF MANAGEMENT == FINANCIAL ADMINISTRATION

80 32 REORGANIZATION

80 33 Sec. 172. NEW SECTION. 8.71 Definitions.

80 34 As used in this section and sections 8.72 through 8.89,
80 35 unless the context otherwise requires:



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81 1 1. "Agency" or "state agency" means a unit of state
81 2 government, which is an authority, board, commission,
81 3 committee, council, department, or independent agency as
81 4 defined in section 7E.4, including but not limited to each
81 5 principal central department enumerated in section 7E.5.
81 6 However, "agency" or "state agency" does not mean any of the
81 7 following:
81 8 a. The office of the governor or the office of an elective
81 9 constitutional or statutory officer.
81 10 b. The general assembly, or any office or unit under its
81 11 administrative authority.
81 12 c. The judicial branch, as provided in section 602.1102.
81 13 d. A political subdivision of the state or its offices
81 14 or units, including but not limited to a county, city, or
81 15 community college.
81 16 2. "Department" means the department of management.
81 17 3. "Director" means the director of the department of
81 18 management or the director's designee.
81 19 Sec. 173. NEW SECTION. 8.72 Financial administration
81 20 duties.
81 21 The department shall provide for the efficient management
81 22 and administration of the financial resources of state
81 23 government and shall have and assume the following powers and
81 24 duties:
81 25 1. Centralized accounting and payroll system. To assume the
81 26 responsibilities related to a centralized accounting system for
81 27 state government and to establish a centralized payroll system
81 28 for all state agencies.
81 29 2. Setoff procedures. To establish and maintain a setoff
81 30 procedure as provided in section 8.74.
81 31 3. Cost allocation system. To establish a cost allocation
81 32 system as provided in section 8.75.
81 33 4. Collection and payment of funds == monthly payments. To
81 34 control the payment of all moneys into the state treasury,
81 35 and all payments from the state treasury by the preparation



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82 1 of appropriate warrants, or warrant checks, directing such
82 2 collections and payment, and to advise the treasurer of state
82 3 monthly in writing of the amount of public funds not currently
82 4 needed for operating expenses. Whenever the state treasury
82 5 includes state funds that require distribution to counties,
82 6 cities, or other political subdivisions of this state, and the
82 7 counties, cities, and other political subdivisions certify to
82 8 the director that warrants will be stamped for lack of funds
82 9 within the thirty-day period following certification, the
82 10 director may partially distribute the funds on a monthly basis.
82 11 Whenever the law requires that any funds be paid by a specific
82 12 date, the director shall prepare a final accounting and shall
82 13 make a final distribution of any remaining funds prior to that
82 14 date.

82 15 5. Preaudit system. To establish and fix a reasonable
82 16 imprest cash fund for each state department and institution
82 17 for disbursement purposes where needed. These revolving
82 18 funds shall be reimbursed only upon vouchers approved by the
82 19 director. It is the purpose of this subsection to establish a
82 20 preaudit system of settling all claims against the state, but
82 21 the preaudit system is not applicable to any of the following:

82 22 a. Institutions under the control of the state board of
82 23 regents.

82 24 b. The state fair board as established in chapter 173.

82 25 c. The Iowa dairy industry commission as established in
82 26 chapter 179, the Iowa beef cattle producers association as
82 27 established in chapter 181, the Iowa pork producers council
82 28 as established in chapter 183A, the Iowa egg council as
82 29 established in chapter 184, the Iowa turkey marketing council
82 30 as established in chapter 184A, the Iowa soybean association
82 31 as provided in chapter 185, and the Iowa corn promotion board
82 32 as established in chapter 185C.

82 33 6. Audit of claims. To set rules and procedures for the
82 34 preaudit of claims by individual agencies or organizations.
82 35 The director reserves the right to refuse to accept incomplete



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83 1 or incorrect claims and to review, preaudit, or audit claims
83 2 as determined by the director.
83 3 7. Contracts. To certify, record, and encumber all formal
83 4 contracts to prevent overcommitment of appropriations and
83 5 allotments.
83 6 8. Accounts. To keep the central budget and proprietary
83 7 control accounts of the general fund of the state and special
83 8 funds, as defined in section 8.2, of the state government.
83 9 Upon elimination of the state deficit under generally accepted
83 10 accounting principles, including the payment of items budgeted
83 11 in a subsequent fiscal year which under generally accepted
83 12 accounting principles should be budgeted in the current fiscal
83 13 year, the recognition of revenues received and expenditures
83 14 paid and transfers received and paid within the time period
83 15 required pursuant to section 8.33 shall be in accordance with
83 16 generally accepted accounting principles. Budget accounts
83 17 are those accounts maintained to control the receipt and
83 18 disposition of all funds, appropriations, and allotments.
83 19 Proprietary accounts are those accounts relating to assets,
83 20 liabilities, income, and expense. For each fiscal year, the
83 21 financial position and results of operations of the state shall
83 22 be reported in a comprehensive annual financial report prepared
83 23 in accordance with generally accepted accounting principles, as
83 24 established by the governmental accounting standards board.
83 25 9. Fair board and state board of regents. To control
83 26 the financial operations of the state fair board and the
83 27 institutions under the state board of regents:
83 28 a. By charging all warrants issued to the respective
83 29 educational institutions and the state fair board to an advance
83 30 account to be further accounted for and not as an expense which
83 31 requires no further accounting.
83 32 b. By charging all collections made by the educational
83 33 institutions and state fair board to the respective advance
83 34 accounts of the institutions and state fair board, and by
83 35 crediting all such repayment collections to the respective



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84 1 appropriations and special funds.
84 2 c. By charging all disbursements made to the respective
84 3 allotment accounts of each educational institution or state
84 4 fair board and by crediting all such disbursements to the
84 5 respective advance and inventory accounts.
84 6 d. By requiring a monthly abstract of all receipts and
84 7 of all disbursements, both money and stores, and a complete
84 8 account current each month from each educational institution
84 9 and the state fair board.
84 10 10. Entities representing agricultural producers. To control
84 11 the financial operations of the Iowa dairy industry commission
84 12 as provided in chapter 179, the Iowa beef cattle producers
84 13 association as provided in chapter 181, the Iowa pork producers
84 14 council as provided in chapter 183A, the Iowa egg council as
84 15 provided in chapter 184, the Iowa turkey marketing council
84 16 as provided in chapter 184A, the Iowa soybean association as
84 17 provided in chapter 185, and the Iowa corn promotion board as
84 18 provided in chapter 185C.
84 19 11. Custody of records. To have the custody of all books,
84 20 papers, records, documents, vouchers, conveyances, leases,
84 21 mortgages, bonds, and other securities appertaining to the
84 22 fiscal affairs and property of the state, which are not
84 23 required to be kept in some other office.
84 24 12. Interest of the permanent school fund. To transfer the
84 25 interest of the permanent school fund to the credit of the
84 26 interest for Iowa schools fund.
84 27 13. Forms. To prescribe all accounting and business
84 28 forms and the system of accounts and reports of financial
84 29 transactions by all departments and agencies of the state
84 30 government other than those of the legislative branch.
84 31 14. Federal cash management and improvement act
84 32 administrator.
84 33 a. To serve as administrator for state actions relating to
84 34 the federal Cash Management and Improvement Act of 1990, Pub.
84 35 L.No.101=453, as codified in 31 U.S.C. {6503. The director



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85 1 shall perform the following duties relating to the federal law:
85 2 (1) Act as the designated representative of the state in the
85 3 negotiation and administration of contracts between the state
85 4 and federal government relating to the federal law.
85 5 (2) Modify the centralized statewide accounting system
85 6 and develop, or require to be developed by the appropriate
85 7 departments of state government, the reports and procedures
85 8 necessary to complete the managerial and financial reports
85 9 required to comply with the federal law.
85 10 b. There is annually appropriated from the general fund
85 11 of the state to the department an amount sufficient to pay
85 12 interest costs that may be due the federal government as a
85 13 result of implementation of the federal law. This paragraph
85 14 does not authorize the payment of interest from the general
85 15 fund of the state for any department of administrative
85 16 services' revolving, trust, or special fund of the department
85 17 of administrative services where monthly interest earnings
85 18 accrue to the credit of the department of administrative
85 19 services' revolving, trust, or special fund. For any
85 20 department of administrative services' revolving, trust, or
85 21 special fund where monthly interest is accrued to the credit of
85 22 the fund, the director may authorize a supplemental expenditure
85 23 to pay interest costs from the individual fund which are due
85 24 the federal government as a result of implementation of the
85 25 federal law.
85 26 Sec. 174. NEW SECTION. 8.73 Rules == deposit of
85 27 departmental moneys.
85 28 The director shall prescribe by rule the manner and methods
85 29 by which all departments and agencies of the state that
85 30 collect money for and on behalf of the state shall cause the
85 31 money to be deposited with the treasurer of state or in a
85 32 depository designated by the treasurer of state. All such
85 33 moneys collected shall be deposited at such times and in such
85 34 depositories to permit the state of Iowa to deposit the funds
85 35 in a manner consistent with the state's investment policies.



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86 1 All such moneys shall be promptly deposited, as directed, even
86 2 though the individual amount remitted may not be correct. If
86 3 any individual amount remitted is in excess of the amount
86 4 required, the department or agency receiving the same shall
86 5 refund the excess amount. If the individual amount remitted is
86 6 insufficient, the person, firm, or corporation concerned shall
86 7 be immediately billed for the amount of the deficiency.
86 8 Sec. 175. NEW SECTION. 8.74 Setoff procedures.
86 9 1. Definitions. As used in this section, unless the context
86 10 otherwise requires:
86 11 a. "Collection entity" means the department of management
86 12 and any other state agency that maintains a separate accounting
86 13 system and elects to establish a debt collection setoff
86 14 procedure for collection of debts owed to the state or its
86 15 agencies.
86 16 b. "Person" does not include a state agency.
86 17 c. "Qualifying debt" includes but is not limited to the
86 18 following:
86 19 (1) Any debt, which is assigned to the department of human
86 20 services, or which the child support recovery unit is otherwise
86 21 attempting to collect, or which the foster care recovery unit
86 22 of the department of human services is attempting to collect
86 23 on behalf of a child receiving foster care provided by the
86 24 department of human services.
86 25 (2) An amount that is due because of a default on a
86 26 guaranteed student or parental loan under chapter 261.
86 27 (3) Any debt which is in the form of a liquidated sum due,
86 28 owing, and payable to the clerk of the district court.
86 29 d. "State agency" means a board, commission, department,
86 30 including the department of administrative services, or other
86 31 administrative office or unit of the state of Iowa or any
86 32 other state entity reported in the Iowa comprehensive annual
86 33 financial report, or a political subdivision of the state, or
86 34 an office or unit of a political subdivision. "State agency"
86 35 does include the clerk of the district court as it relates to



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87 1 the collection of a qualifying debt. "State agency" does not
87 2 include the general assembly or the governor.
87 3 2. Setoff procedure. The collection entity shall establish
87 4 and maintain a procedure to set off against any claim owed to
87 5 a person by a state agency any liability of that person owed
87 6 to a state agency, a support debt being enforced by the child
87 7 support recovery unit pursuant to chapter 252B, or such other
87 8 qualifying debt. The procedure shall only apply when at the
87 9 discretion of the director it is feasible. The procedure shall
87 10 meet the following conditions:
87 11 a. Before setoff, a person's liability to a state agency and
87 12 the person's claim on a state agency shall be in the form of a
87 13 liquidated sum due, owing, and payable.
87 14 b. Before setoff, the state agency shall obtain and forward
87 15 to the collection entity the full name and social security
87 16 number of the person liable to it or to whom a claim is owing
87 17 who is a natural person. If the person is not a natural person,
87 18 before setoff, the state agency shall forward to the collection
87 19 entity the information concerning the person as the collection
87 20 entity shall, by rule, require. The collection entity
87 21 shall cooperate with other state agencies in the exchange of
87 22 information relevant to the identification of persons liable
87 23 to or of claimants of state agencies. However, the collection
87 24 entity shall provide only relevant information required by a
87 25 state agency. The information shall be held in confidence
87 26 and used for the purpose of setoff only. Section 422.72,
87 27 subsection 1, does not apply to this paragraph.
87 28 c. Before setoff, a state agency shall, at least annually,
87 29 submit to the collection entity the information required
87 30 by paragraph "b" along with the amount of each person's
87 31 liability to and the amount of each claim on the state agency.
87 32 The collection entity may, by rule, require more frequent
87 33 submissions.
87 34 d. Before setoff, the amount of a person's claim on a state
87 35 agency and the amount of a person's liability to a state agency



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88 1 shall constitute a minimum amount set by rule of the collection
88 2 entity.

88 3 e. Upon submission of an allegation of liability by a state
88 4 agency, the collection entity shall notify the state agency
88 5 whether the person allegedly liable is entitled to payment from
88 6 a state agency, and, if so entitled, shall notify the state
88 7 agency of the amount of the person's entitlement and of the
88 8 person's last address known to the collection entity. Section
88 9 422.72, subsection 1, does not apply to this paragraph.

88 10 f. (1) Upon notice of entitlement to a payment, the state
88 11 agency shall send written notification to that person of the
88 12 state agency's assertion of its rights to all or a portion of
88 13 the payment and of the state agency's entitlement to recover
88 14 the liability through the setoff procedure, the basis of
88 15 the assertion, the opportunity to request that a jointly or
88 16 commonly owned right to payment be divided among owners, and
88 17 the person's opportunity to give written notice of intent
88 18 to contest the amount of the allegation. The state agency
88 19 shall send a copy of the notice to the collection entity. A
88 20 state agency subject to chapter 17A shall give notice, conduct
88 21 hearings, and allow appeals in conformity with chapter 17A.

88 22 (2) However, upon submission of an allegation of the
88 23 liability of a person which is owing and payable to the
88 24 clerk of the district court and upon the determination by
88 25 the collection entity that the person allegedly liable is
88 26 entitled to payment from a state agency, the collection entity
88 27 shall send written notification to the person which states the
88 28 assertion by the clerk of the district court of rights to all
88 29 or a portion of the payment, the clerk's entitlement to recover
88 30 the liability through the setoff procedure, the basis of the
88 31 assertions, the person's opportunity to request within fifteen
88 32 days of the mailing of the notice that the collection entity
88 33 divide a jointly or commonly owned right to payment between
88 34 owners, the opportunity to contest the liability to the clerk
88 35 by written application to the clerk within fifteen days of the



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89 1 mailing of the notice, and the person's opportunity to contest
89 2 the collection entity's setoff procedure.
89 3 g. Upon the timely request of a person liable to a state
89 4 agency or of the spouse of that person and upon receipt of the
89 5 full name and social security number of the person's spouse,
89 6 a state agency shall notify the collection entity of the
89 7 request to divide a jointly or commonly owned right to payment.
89 8 Any jointly or commonly owned right to payment is rebuttably
89 9 presumed to be owned in equal portions by its joint or common
89 10 owners.
89 11 h. The collection entity shall, after the state agency has
89 12 sent notice to the person liable or, if the liability is owing
89 13 and payable to the clerk of the district court, the collection
89 14 entity has sent notice to the person liable, set off the amount
89 15 owed to the agency against any amount which a state agency owes
89 16 that person. The collection entity shall refund any balance
89 17 of the amount to the person. The collection entity shall
89 18 periodically transfer amounts set off to the state agencies
89 19 entitled to them. If a person liable to a state agency gives
89 20 written notice of intent to contest an allegation, a state
89 21 agency shall hold a refund or rebate until final disposition
89 22 of the allegation. Upon completion of the setoff, a state
89 23 agency shall notify in writing the person who was liable or,
89 24 if the liability is owing and payable to the clerk of the
89 25 district court, shall comply with the procedures as provided
89 26 in paragraph "j".
89 27 i. The department of revenue's existing right to credit
89 28 against tax due or to become due under section 422.73 is not to
89 29 be impaired by a right granted to or a duty imposed upon the
89 30 collection entity or other state agency by this section. This
89 31 section is not intended to impose upon the collection entity or
89 32 the department of revenue any additional requirement of notice,
89 33 hearing, or appeal concerning the right to credit against tax
89 34 due under section 422.73.
89 35 j. If the alleged liability is owing and payable to the



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90 1 clerk of the district court and setoff as provided in this
90 2 section is sought, all of the following shall apply:
90 3 (1) The judicial branch shall prescribe procedures to
90 4 permit a person to contest the amount of the person's liability
90 5 to the clerk of the district court.
90 6 (2) The collection entity shall, except for the procedures
90 7 described in subparagraph (1), prescribe any other applicable
90 8 procedures concerning setoff as provided in this subsection.
90 9 (3) Upon completion of the setoff, the collection entity
90 10 shall file, at least monthly, with the clerk of the district
90 11 court a notice of satisfaction of each obligation to the
90 12 full extent of all moneys collected in satisfaction of the
90 13 obligation. The clerk shall record the notice and enter a
90 14 satisfaction for the amounts collected and a separate written
90 15 notice is not required.
90 16 3. Priority claims. In the case of multiple claims to
90 17 payments filed under this section, priority shall be given to
90 18 claims filed by the child support recovery unit or the foster
90 19 care recovery unit, next priority shall be given to claims
90 20 filed by the college student aid commission, next priority
90 21 shall be given to claims filed by the investigations division
90 22 of the department of inspections and appeals, next priority
90 23 shall be given to claims filed by a clerk of the district
90 24 court, and last priority shall be given to claims filed by
90 25 other state agencies. In the case of multiple claims in which
90 26 the priority is not otherwise provided by this subsection,
90 27 priority shall be determined in accordance with rules to be
90 28 established by the director.
90 29 4. State reciprocal agreements. The director shall have
90 30 the authority to enter into reciprocal agreements with the
90 31 departments of revenue of other states that have enacted
90 32 legislation that is substantially equivalent to the setoff
90 33 procedure provided in this section for the recovery of an
90 34 amount due because of a default on a guaranteed student or
90 35 parental loan under chapter 261. A reciprocal agreement shall



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91 1 also be approved by the college student aid commission. The
91 2 agreement shall authorize the department to provide by rule for
91 3 the setoff of state income tax refunds or rebates of defaulters
91 4 from states with which Iowa has a reciprocal agreement and to
91 5 provide for sending lists of names of Iowa defaulters to the
91 6 states with which Iowa has a reciprocal agreement for setoff of
91 7 that state's income tax refunds.

91 8 5. Agency reimbursements. Under substantive rules
91 9 established by the director, the department shall seek
91 10 reimbursement from other state agencies to recover its costs
91 11 for setting off liabilities.

91 12 Sec. 176. NEW SECTION. 8.75 Cost allocation system ==
91 13 appropriation.

91 14 The department shall develop and administer an indirect
91 15 cost allocation system for state agencies. The system shall
91 16 be based upon standard cost accounting methodologies and shall
91 17 be used to allocate both direct and indirect costs of state
91 18 agencies or state agency functions in providing centralized
91 19 services to other state agencies. A cost that is allocated to
91 20 a state agency pursuant to this system shall be billed to the
91 21 state agency and the cost is payable to the general fund of the
91 22 state. The source of payment for the billed cost shall be any
91 23 revenue source except for the general fund of the state. If a
91 24 state agency is authorized by law to bill and recover direct
91 25 expenses, the state agency shall recover indirect costs in the
91 26 same manner.

91 27 Sec. 177. NEW SECTION. 8.76 Accounting.

91 28 The director may at any time require any person receiving
91 29 money, securities, or property belonging to the state, or
91 30 having the management, disbursement, or other disposition of
91 31 them, an account of which is kept in the department, to render
91 32 statements of them and information in reference to them.

91 33 Sec. 178. NEW SECTION. 8.77 Stating account.

91 34 If an officer who is accountable to the state treasury for
91 35 any money or property neglects to render an account to the



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92 1 director within the time prescribed by law, or if no time is so
92 2 prescribed, within twenty days after being required to do so by
92 3 the director, the director shall state an account against the
92 4 officer from the books of the officer's office, charging ten
92 5 percent damages on the whole sum appearing due, and interest
92 6 at the rate of six percent per annum on the aggregate from the
92 7 time when the account should have been rendered; all of which
92 8 may be recovered by action brought on the account, or on the
92 9 official bond of the officer.

92 10 Sec. 179. NEW SECTION. 8.78 Compelling payment.

92 11 If an officer fails to pay into the state treasury the amount
92 12 received by the officer within the time prescribed by law, or
92 13 having settled with the director, fails to pay the amount found
92 14 due, the director shall charge the officer with twenty percent
92 15 damages on the amount due, with interest on the aggregate from
92 16 the time the amount became due at the rate of six percent per
92 17 annum, and the whole may be recovered by an action brought on
92 18 the account, or on the official bond of the officer, and the
92 19 officer shall forfeit the officer's commission.

92 20 Sec. 180. NEW SECTION. 8.79 Defense to claim.

92 21 The penal provisions in sections 8.77 and 8.78 are subject
92 22 to any legal defense which the officer may have against the
92 23 account as stated by the director, but judgment for costs shall
92 24 be rendered against the officer in the action, whatever its
92 25 result, unless the officer rendered an account within the time
92 26 named in those sections.

92 27 Sec. 181. NEW SECTION. 8.80 Requested credits == oath
92 28 required.

92 29 When a county treasurer or other receiver of public moneys
92 30 seeks to obtain credit on the books of the department for
92 31 payment made to the county treasurer, before giving such credit
92 32 the director shall require that person to take and subscribe an
92 33 oath that the person has not used, loaned, or appropriated any
92 34 of the public moneys for the person's private benefit or for
92 35 the benefit of any other person.



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93 1 Sec. 182. NEW SECTION. 8.81 Requisition for information.
93 2 In those cases where the director is authorized to call
93 3 upon persons or officers for information, or statements,
93 4 or accounts, the director may issue a requisition therefor
93 5 in writing to the person or officer called upon, allowing
93 6 reasonable time, which, having been served and return made to
93 7 the director, as a notice in a civil action, is evidence of the
93 8 making of the requisition.
93 9 Sec. 183. NEW SECTION. 8.82 Limits on claims.
93 10 The director is limited in authorizing the payment of
93 11 claims, as follows:
93 12 1. Funding limit.
93 13 a. A claim shall not be allowed by the department if the
93 14 appropriation or fund of certification available for paying the
93 15 claim has been exhausted or proves insufficient.
93 16 b. The authority of the director is subject to the following
93 17 exceptions:
93 18 (1) Claims by state employees for benefits pursuant to
93 19 chapters 85, 85A, 85B, and 86 are subject to limitations
93 20 provided in those chapters.
93 21 (2) Claims for medical assistance payments authorized under
93 22 chapter 249A are subject to the time limits imposed by rule
93 23 adopted by the department of human services.
93 24 (3) Claims approved by an agency according to the provisions
93 25 of section 25.2.
93 26 2. Convention expenses. Claims for expenses in attending
93 27 conventions, meetings, conferences, or gatherings of members
93 28 of an association or society organized and existing as a
93 29 quasi-public association or society outside the state of Iowa
93 30 shall not be allowed at public expense, unless authorized by
93 31 the executive council; and claims for these expenses outside
93 32 of the state shall not be allowed unless the voucher is
93 33 accompanied by the portion of the minutes of the executive
93 34 council, certified to by its secretary, showing that the
93 35 expense was authorized by the council. This section does not



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94 1 apply to claims in favor of the governor, attorney general,
94 2 utilities board members, or to trips referred to in sections
94 3 97B.7A and 217.20.
94 4 3. Payment from fees. Claims for per diem and expenses
94 5 payable from fees shall not be approved for payment in excess
94 6 of those fees if the law provides that such expenditures are
94 7 limited to the special funds collected and deposited in the
94 8 state treasury.
94 9 Sec. 184. NEW SECTION. 8.83 Claims == approval.
94 10 The director before approving a claim on behalf of the
94 11 department shall determine:
94 12 1. That the creation of the claim is clearly authorized by
94 13 law. Statutes authorizing the expenditure may be referenced
94 14 through account coding authorized by the director.
94 15 2. That the claim has been authorized by an officer or
94 16 official body having legal authority to so authorize and that
94 17 the fact of authorization has been certified to the director by
94 18 such officer or official body.
94 19 3. That all legal requirements have been observed,
94 20 including notice and opportunity for competition, if required
94 21 by law.
94 22 4. That the claim is in proper form as the director may
94 23 provide.
94 24 5. That the charges are reasonable, proper, and correct and
94 25 no part of the claim has been paid.
94 26 Sec. 185. NEW SECTION. 8.84 Vouchers == interest == payment
94 27 of claims.
94 28 1. Before a warrant or its equivalent is issued for
94 29 a claim payable from the state treasury, the department
94 30 shall file an itemized voucher showing in detail the items
94 31 of service, expense, item furnished, or contract for which
94 32 payment is sought. However, the director may authorize the
94 33 prepayment of claims when the best interests of the state are
94 34 served under rules adopted by the director. The claimant's
94 35 original invoice shall be attached to a department's approved



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95 1 voucher. The director shall adopt rules specifying the
95 2 form and contents for invoices submitted by a vendor to a
95 3 department. The requirements apply to acceptance of an invoice
95 4 by a department. A department shall not impose additional or
95 5 different requirements on submission of invoices than those
95 6 contained in rules of the director unless the director exempts
95 7 the department from the invoice requirements or a part of the
95 8 requirements upon a finding that compliance would result in
95 9 poor accounting or management practices.

95 10 2. Vouchers for postage, stamped envelopes, and postal
95 11 cards may be audited as soon as an order for them is entered.

95 12 3. The departments, the general assembly, and the courts
95 13 shall pay their claims in a timely manner. If a claim
95 14 for services, supplies, materials, or a contract which is
95 15 payable from the state treasury remains unpaid after sixty
95 16 days following the receipt of the claim or the satisfactory
95 17 delivery, furnishing, or performance of the services, supplies,
95 18 materials, or contract, whichever date is later, the state
95 19 shall pay interest at the rate of one percent per month on
95 20 the unpaid amount of the claim. This subsection does not
95 21 apply to claims against the state under chapters 25 and 669
95 22 or to claims paid by federal funds. The interest shall be
95 23 charged to the appropriation or fund to which the claim is
95 24 certified. Departments may enter into contracts for goods or
95 25 services on payment terms of less than sixty days if the state
95 26 may obtain a financial benefit or incentive which would not
95 27 otherwise be available from the vendor. The department, in
95 28 consultation with other affected departments, shall develop
95 29 policies to promote consistency and fiscal responsibility
95 30 relating to payment terms authorized under this subsection.
95 31 The director shall adopt rules under chapter 17A relating to
95 32 the administration of this subsection.

95 33 Sec. 186. NEW SECTION. 8.85 Warrants == form.

95 34 A warrant shall bear on its face the signature of the
95 35 director or its facsimile, or the signature of an assistant



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96 1 or its facsimile in case of a vacancy in the office of the
96 2 director; a proper number, date, amount, and name of payee;
96 3 a reference to the law under which it is drawn; whether for
96 4 salaries or wages, services, or supplies, and what kind of
96 5 supplies; and from what office or department, or for what
96 6 other general or special purposes; or in lieu thereof, a
96 7 coding system may be used, which particulars shall be entered
96 8 in a warrant register kept for that purpose in the order of
96 9 issuance; and as soon as practicable after issuing a warrant
96 10 register, the director shall certify a duplicate of it to the
96 11 treasurer of state.

96 12 Sec. 187. NEW SECTION. 8.86 Required payee.

96 13 All warrants shall be drawn to the order of the person
96 14 entitled to payment or compensation, except that when goods
96 15 or materials are purchased in foreign countries, warrants may
96 16 be drawn upon the treasurer of state, payable to the bearer
96 17 for the net amount of invoice and current exchange, and the
96 18 treasurer of state shall furnish a foreign draft payable to the
96 19 order of the person from whom purchase is made.

96 20 Sec. 188. NEW SECTION. 8.87 Prohibited payee.

96 21 In no case shall warrants be drawn in the name of the
96 22 certifying office, department, board, or institution, or in
96 23 the name of an employee, except for personal service rendered
96 24 or expense incurred by the employee, unless express statutory
96 25 authority exists therefor.

96 26 Sec. 189. NEW SECTION. 8.88 Claims exceeding
96 27 appropriations.

96 28 A claim shall not be allowed when the claim will exceed the
96 29 amount specifically appropriated for the claim.

96 30 Sec. 190. NEW SECTION. 8.89 Cancellation of state warrants.

96 31 On the last business day of each month, the director shall
96 32 cancel and request the treasurer of state to stop payment on
96 33 all state warrants which have been outstanding and unredeemed
96 34 by the treasurer of state for six months or longer.



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97 1 Sec. 191. Section 8.9, subsection 1, Code Supplement 2009,
97 2 is amended to read as follows:

97 3 1. The office of grants enterprise management is
97 4 established in the department of management. The function of
97 5 the office is to develop and administer a system to track,
97 6 identify, advocate for, and coordinate nonstate grants as
97 7 defined in section 8.2, subsections 1 and 3. Staffing for
97 8 the office of grants enterprise management shall be provided
97 9 by a facilitator appointed by the director of the department
97 10 of management. Additional staff may be hired, subject to the
97 11 availability of funding. Funding for the office is from the
97 12 appropriation to the department ~~pursuant to section 8A.505,~~
~~97 13 subsection 2.~~

97 14 Sec. 192. Section 8.31, subsection 4, Code 2009, is amended
97 15 to read as follows:

97 16 4. The procedure to be employed in controlling the
97 17 expenditures and receipts of the state fair board and
97 18 the institutions under the state board of regents, whose
97 19 collections are not deposited in the state treasury, is that
97 20 outlined in section ~~8A.502~~ 8.72, subsection 9.

97 21 Sec. 193. Section 8A.102, subsection 2, Code 2009, is
97 22 amended to read as follows:

97 23 2. The person appointed as director shall be professionally
97 24 qualified by education and have no less than five years'
97 25 experience in the field of management, public or private sector
97 26 personnel administration including the application of merit
97 27 principles in employment, ~~financial management,~~ and policy
97 28 development and implementation. The appointment shall be made
97 29 without regard for political affiliation. The director shall
97 30 not be a member of any local, state, or national committee
97 31 of a political party, an officer or member of a committee in
97 32 any partisan political club or organization, or hold or be a
97 33 candidate for a paid elective public office. The director is
97 34 subject to the restrictions on political activity provided
97 35 in section 8A.416. The governor shall set the salary of the



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98 1 director within pay grade nine.

98 2 Sec. 194. Section 8A.103, unnumbered paragraph 1, Code
98 3 2009, is amended to read as follows:

98 4 The department is created for the purpose of managing and
98 5 coordinating the major resources of state government including
98 6 the human, ~~financial~~, physical, and information resources of
98 7 state government.

98 8 Sec. 195. Section 8A.104, subsection 12, Code 2009, is
98 9 amended to read as follows:

98 10 12. Serve as the chief information officer for the
98 11 state. However, the director may designate a person in the
98 12 department to serve in this capacity at the discretion of
98 13 the director. If the director designates a person to serve
98 14 as chief information officer, the person designated shall be
98 15 professionally qualified by education and have no less than
98 16 five years' experience in the ~~fields~~ field of information
98 17 technology ~~and financial management~~.

98 18 Sec. 196. Section 8A.111, subsection 11, Code 2009, is
98 19 amended by striking the subsection.

98 20 Sec. 197. Section 8A.204, subsection 3, paragraph b, Code
98 21 2009, is amended to read as follows:

98 22 b. Work with the department of management ~~and the state~~
~~98 23 accounting enterprise of the department, pursuant to section~~
~~98 24 8A.502,~~ to maintain the relevancy of the central budget and
98 25 proprietary control accounts of the general fund of the state
98 26 and special funds to information technology, as those terms are
98 27 defined in section 8.2, of state government.

98 28 Sec. 198. Section 8A.323, subsection 5, Code 2009, is
98 29 amended to read as follows:

98 30 5. Any fine that remains unpaid upon becoming delinquent
98 31 may be collected by the department pursuant to the setoff
98 32 procedures provided for in section ~~8A.504~~ 8.74. For purposes
98 33 of this subsection, a fine becomes delinquent if it has not
98 34 been paid within thirty days of the date of the issuance of the
98 35 parking citation, unless a written request for a hearing is



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99 1 filed as provided pursuant to the rules of the department. If
99 2 an appeal is filed and the citation is upheld, the fine becomes
99 3 delinquent ten days after the issuance of the final decision on
99 4 the appeal or thirty-one days after the date of the issuance of
99 5 the parking citation, whichever is later.

99 6 Sec. 199. Section 11.2, subsection 1, paragraph b, Code
99 7 2009, is amended to read as follows:

99 8 b. Provided further, that a preliminary audit of the
99 9 educational institutions and the state fair board shall be made
99 10 periodically, at least quarterly, to check the monthly reports
99 11 submitted to the director of the department of administrative
99 12 services as required by section ~~8A.502~~ 8.72, subsection 9, and
99 13 that a final audit of such state agencies shall be made at the
99 14 close of each fiscal year.

99 15 Sec. 200. Section 25.2, subsection 5, Code 2009, is amended
99 16 to read as follows:

99 17 5. Outstanding state warrants that have been canceled
99 18 pursuant to section ~~8A.519~~ 8.89 and were charged to the general
99 19 fund of the state or another state funding source shall be
99 20 addressed as provided in section 556.2C.

99 21 Sec. 201. Section 96.11, subsection 16, Code 2009, is
99 22 amended to read as follows:

99 23 16. Reimbursement of setoff costs. The department shall
99 24 include in the amount set off in accordance with section
99 25 ~~8A.504~~ 8.74, for the collection of an overpayment created
99 26 pursuant to section 96.3, subsection 7, or section 96.16,
99 27 subsection 4, an additional amount for the reimbursement of
99 28 setoff costs incurred by the department of administrative
99 29 services.

99 30 Sec. 202. Section 97B.7A, subsection 5, Code 2009, is
99 31 amended to read as follows:

99 32 5. Travel. In the administration of the investment of
99 33 moneys in the retirement fund, employees of the system and
99 34 members of the board may travel outside the state for the
99 35 purpose of meeting with investment firms and consultants and



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100 1 attending conferences and meetings to fulfill their fiduciary
100 2 responsibilities. This travel is not subject to section
100 3 ~~8A.512~~ 8.82, subsection 2.
100 4 Sec. 203. Section 99D.2, subsection 3, Code 2009, is amended
100 5 to read as follows:
100 6 3. "Claimant agency" means a state agency as defined
100 7 in section ~~8A.504~~ 8.74, subsection 1, or the state court
100 8 administrator as defined in section 602.1101.
100 9 Sec. 204. Section 99D.28, subsection 2, Code 2009, is
100 10 amended to read as follows:
100 11 2. The licensee is authorized and directed to withhold
100 12 any winnings of a debtor which are paid out directly by the
100 13 licensee subject to the lien created by this section and
100 14 provide notice of such withholding to the winner when the
100 15 winner appears and claims winnings in person. The licensee
100 16 shall pay the funds over to the collection entity which
100 17 administers the setoff program pursuant to section ~~8A.504~~ 8.74.
100 18 Sec. 205. Section 99F.1, subsection 4, Code 2009, is amended
100 19 to read as follows:
100 20 4. "Claimant agency" means a state agency as defined
100 21 in section ~~8A.504~~ 8.74, subsection 1, or the state court
100 22 administrator as defined in section 602.1101.
100 23 Sec. 206. Section 99F.19, subsection 2, Code 2009, is
100 24 amended to read as follows:
100 25 2. The licensee is authorized and directed to withhold
100 26 any winnings of a debtor which are paid out directly by the
100 27 licensee subject to the lien created by this section and
100 28 provide notice of such withholding to the winner when the
100 29 winner appears and claims winnings in person. The licensee
100 30 shall pay the funds over to the collection entity which
100 31 administers the setoff program pursuant to section ~~8A.504~~ 8.74.
100 32 Sec. 207. Section 99G.38, subsection 3, Code 2009, is
100 33 amended to read as follows:
100 34 3. The state of Iowa offset program, as provided in section
100 35 ~~8A.504~~ 8.74, shall be available to the authority to facilitate



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101 1 receipt of funds owed to the authority.
101 2 Sec. 208. Section 217.34, Code 2009, is amended to read as
101 3 follows:
101 4 217.34 Debt setoff.
101 5 The investigations division of the department of inspections
101 6 and appeals and the department of human services shall provide
101 7 assistance to set off against a person's or provider's income
101 8 tax refund or rebate any debt which has accrued through written
101 9 contract, subrogation, departmental recoupment procedures,
101 10 or court judgment and which is in the form of a liquidated
101 11 sum due and owing the department of human services. The
101 12 department of inspections and appeals, with approval of the
101 13 department of human services, shall adopt rules under chapter
101 14 17A necessary to assist the department of ~~administrative~~
101 15 ~~services management~~ in the implementation of the setoff under
101 16 section ~~8A.504~~ 8.74 in regard to money owed to the state
101 17 for public assistance overpayments. The department of human
101 18 services shall adopt rules under chapter 17A necessary to
101 19 assist the department of ~~administrative services management~~ in
101 20 the implementation of the setoff under section ~~8A.504~~ 8.74, in
101 21 regard to collections by the child support recovery unit and
101 22 the foster care recovery unit.
101 23 Sec. 209. Section 218.58, subsection 5, Code 2009, is
101 24 amended to read as follows:
101 25 5. A claim for payment relating to a project shall be
101 26 itemized on a voucher form pursuant to section ~~8A.514~~ 8.84,
101 27 certified by the claimant and the architect or engineer
101 28 in charge, and audited and approved by the department of
101 29 ~~administrative services management~~. Upon approval by the
101 30 department of ~~administrative services management~~, the director
101 31 of the department of ~~administrative services management~~ shall
101 32 draw a warrant to be paid by the treasurer of state from funds
101 33 appropriated for the project. A partial payment made before
101 34 completion of the project does not constitute final acceptance
101 35 of the work or a waiver of any defect in the work.



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102 1 Sec. 210. Section 218.85, Code 2009, is amended to read as
102 2 follows:

102 3 218.85 Uniform system of accounts.

102 4 The director of human services through the administrators
102 5 in control of the institutions shall install in all the
102 6 institutions the most modern, complete, and uniform system of
102 7 accounts, records, and reports possible. The system shall be
102 8 prescribed by the director of the department of ~~administrative~~
102 9 ~~services management~~ as authorized in section ~~8A.502~~ 8.72,
102 10 subsection 13, and, among other matters, shall clearly show
102 11 the detailed facts relative to the handling and uses of all
102 12 purchases.

102 13 Sec. 211. Section 234.8, Code 2009, is amended to read as
102 14 follows:

102 15 234.8 Fees for child welfare services.

102 16 The department of human services may charge a fee for
102 17 child welfare services to a person liable for the cost of the
102 18 services. The fee shall not exceed the reasonable cost of the
102 19 services. The fee shall be based upon the person's ability
102 20 to pay and consideration of the fee's impact upon the liable
102 21 person's family and the goals identified in the case permanency
102 22 plan. The department may assess the liable person for the fee
102 23 and the means of recovery shall include a setoff against an
102 24 amount owed by a state agency to the person assessed pursuant
102 25 to section ~~8A.504~~ 8.74. In addition the department may
102 26 establish an administrative process to recover the assessment
102 27 through automatic income withholding. The department shall
102 28 adopt rules pursuant to chapter 17A to implement the provisions
102 29 of this section. This section does not apply to court-ordered
102 30 services provided to juveniles which are a charge upon the
102 31 state pursuant to section 232.141 and services for which the
102 32 department has established a support obligation pursuant to
102 33 section 234.39.

102 34 Sec. 212. Section 252B.5, subsection 4, Code Supplement
102 35 2009, is amended to read as follows:



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103 1 4. Assistance to set off against a debtor's income tax
103 2 refund or rebate any support debt, which is assigned to
103 3 the department of human services or which the child support
103 4 recovery unit is attempting to collect on behalf of any
103 5 individual not eligible as a public assistance recipient, which
103 6 has accrued through written contract, subrogation, or court
103 7 judgment, and which is in the form of a liquidated sum due
103 8 and owing for the care, support, or maintenance of a child.
103 9 Unless the periodic payment plan provisions for a retroactive
103 10 modification pursuant to section 598.21C apply, the entire
103 11 amount of a judgment for accrued support, notwithstanding
103 12 compliance with a periodic payment plan or regardless of the
103 13 date of entry of the judgment, is due and owing as of the date
103 14 of entry of the judgment and is delinquent for the purposes of
103 15 setoff, including for setoff against a debtor's federal income
103 16 tax refund or other federal nontax payment. The department
103 17 of human services shall adopt rules pursuant to chapter
103 18 17A necessary to assist the department of ~~administrative~~
~~103 19 services management~~ in the implementation of the child support
103 20 setoff as established under section ~~8A.504~~ 8.74.
103 21 Sec. 213. Section 261.37, subsection 7, Code 2009, is
103 22 amended to read as follows:
103 23 7. To establish an effective system for the collection of
103 24 delinquent loans, including the adoption of an agreement with
103 25 the department of ~~administrative services management~~ to set off
103 26 against a defaulter's income tax refund or rebate the amount
103 27 that is due because of a default on a guaranteed or parental
103 28 loan made under this division. The commission shall adopt
103 29 rules under chapter 17A necessary to assist the department of
103 30 ~~administrative services management~~ in the implementation of
103 31 the student loan setoff program as established under section
103 32 ~~8A.504~~ 8.74. The commission shall apply administrative wage
103 33 garnishment procedures authorized under the federal Higher
103 34 Education Act of 1965, as amended and codified in 20 U.S.C.
103 35 {§N1071 et seq., for all delinquent loans, including loans



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104 1 authorized under section 261.38, when a defaulter who is
104 2 financially capable of paying fails to voluntarily enter into a
104 3 reasonable payment agreement. In no case shall the commission
104 4 garnish more than the amount authorized by federal law for
104 5 all loans being collected by the commission, including those
104 6 authorized under section 261.38.
104 7 Sec. 214. Section 321.11A, subsection 1, paragraph c, Code
104 8 2009, is amended to read as follows:
104 9 c. The department of ~~administrative services management~~ for
104 10 the purpose of administering the setoff program pursuant to
104 11 section ~~8A.504~~ 8.74.
104 12 Sec. 215. Section 321.31, subsection 1, unnumbered
104 13 paragraph 3, Code 2009, is amended to read as follows:
104 14 The director shall maintain a records system of delinquent
104 15 accounts owed to the state using information provided through
104 16 the computerized data bank established in section 421.17. The
104 17 department and county treasurers shall use the information
104 18 maintained in the records system to determine if applicants
104 19 for renewal of registration have delinquent accounts, charges,
104 20 fees, loans, taxes, or other indebtedness owed to or being
104 21 collected by the state as provided pursuant to section
104 22 ~~8A.504~~ 8.74. The director, the director of the department of
104 23 ~~administrative services management~~, and the director of revenue
104 24 shall establish procedures for updating the delinquent accounts
104 25 records to add and remove accounts, as applicable.
104 26 Sec. 216. Section 321.40, subsection 6, Code Supplement
104 27 2009, is amended to read as follows:
104 28 6. The department or the county treasurer shall refuse to
104 29 renew the registration of a vehicle registered to the applicant
104 30 if the department or the county treasurer knows that the
104 31 applicant has a delinquent account, charge, fee, loan, taxes,
104 32 or other indebtedness owed to or being collected by the state,
104 33 from information provided pursuant to sections ~~8A.504~~ 8.74 and
104 34 421.17. An applicant may contest this action by requesting a
104 35 contested case proceeding from the agency that referred the



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105 1 debt for collection pursuant to section ~~8A.504~~ 8.74.
105 2 Sec. 217. Section 331.552, subsection 5, Code 2009, is
105 3 amended to read as follows:
105 4 5. Account for, report, and pay into the state treasury any
105 5 money, property, or securities received on behalf of the state
105 6 as provided in sections ~~8A.506 to 8A.508~~ 8.76 to 8.78.
105 7 Sec. 218. Section 422.12D, subsection 4, Code 2009, is
105 8 amended to read as follows:
105 9 4. The department shall adopt rules to implement this
105 10 section. However, before a checkoff pursuant to this section
105 11 shall be permitted, all liabilities on the books of the
105 12 department of ~~administrative services management~~ and accounts
105 13 identified as owing under section ~~8A.504~~ 8.74 and the political
105 14 contribution allowed under section 68A.601 shall be satisfied.
105 15 Sec. 219. Section 422.12K, subsection 2, Code Supplement
105 16 2009, is amended to read as follows:
105 17 2. The director of revenue shall draft the income tax form
105 18 to allow the designation of contributions to the child abuse
105 19 prevention program fund on the tax return. The department of
105 20 revenue, on or before January 31, shall transfer the total
105 21 amount designated on the tax return forms due in the preceding
105 22 calendar year to the child abuse prevention program fund.
105 23 However, before a checkoff pursuant to this section shall be
105 24 permitted, all liabilities on the books of the department of
105 25 ~~administrative services management~~ and accounts identified as
105 26 owing under section ~~8A.504~~ 8.74 and the political contribution
105 27 allowed under section 68A.601 shall be satisfied.
105 28 Sec. 220. Section 422.12L, subsection 2, Code 2009, is
105 29 amended to read as follows:
105 30 2. The director of revenue shall draft the income tax form
105 31 to allow the designation of contributions to the veterans trust
105 32 fund and to the volunteer fire fighter preparedness fund as
105 33 one checkoff on the tax return. The department of revenue,
105 34 on or before January 31, shall transfer one-half of the total
105 35 amount designated on the tax return forms due in the preceding



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106 1 calendar year to the veterans trust fund and the remaining
106 2 one-half to the volunteer fire fighter preparedness fund.
106 3 However, before a checkoff pursuant to this section shall be
106 4 permitted, all liabilities on the books of the department of
106 5 ~~administrative services management~~ and accounts identified as
106 6 owing under section ~~8A.504~~ 8.74 and the political contribution
106 7 allowed under section 68A.601 shall be satisfied.
106 8 Sec. 221. Section 422.20, subsection 3, paragraph a, Code
106 9 2009, is amended to read as follows:
106 10 a. Unless otherwise expressly permitted by section
106 11 ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26,
106 12 sections 252B.9, 321.120, 421.19, 421.28, 422.72, and 452A.63,
106 13 and this section, a tax return, return information, or
106 14 investigative or audit information shall not be divulged to any
106 15 person or entity, other than the taxpayer, the department, or
106 16 internal revenue service for use in a matter unrelated to tax
106 17 administration.
106 18 Sec. 222. Section 422.72, subsection 3, paragraph a, Code
106 19 2009, is amended to read as follows:
106 20 a. Unless otherwise expressly permitted by section
106 21 ~~8A.504~~ 8.74, section 421.17, subsections 22, 23, and 26,
106 22 sections 252B.9, 321.120, 421.19, 421.28, 422.20, and 452A.63,
106 23 and this section, a tax return, return information, or
106 24 investigative or audit information shall not be divulged to any
106 25 person or entity, other than the taxpayer, the department, or
106 26 internal revenue service for use in a matter unrelated to tax
106 27 administration.
106 28 Sec. 223. Section 456A.16, unnumbered paragraph 7, Code
106 29 2009, is amended to read as follows:
106 30 The department shall adopt rules to implement this section.
106 31 However, before a checkoff pursuant to this section shall be
106 32 permitted, all liabilities on the books of the department of
106 33 ~~administrative services management~~ and accounts identified as
106 34 owing under section ~~8A.504~~ 8.74 and the political contribution
106 35 allowed under section 68A.601 shall be satisfied.



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107 1 Sec. 224. Section 556.2C, subsection 1, paragraph a, Code
107 2 2009, is amended to read as follows:

107 3 a. An unpaid, outdated warrant that is canceled pursuant to
107 4 section ~~8A.519~~ 8.89 shall be included in a list of outstanding
107 5 state warrants maintained by the director of the department of
107 6 ~~administrative services~~ management. On or before July 1 of
107 7 each year, the director of the department of ~~administrative~~
107 8 ~~services management~~ shall provide the office of the treasurer
107 9 of state with a consolidated list of such outstanding warrants
107 10 that have not been previously reported to the office.

107 11 Sec. 225. Section 602.8102, subsection 58A, Code 2009, is
107 12 amended to read as follows:

107 13 58A. Assist the department of ~~administrative services~~
107 14 management in setting off against debtors' income tax refunds
107 15 or rebates under section ~~8A.504~~ 8.74, debts which are due,
107 16 owing, and payable to the clerk of the district court as
107 17 criminal fines, civil penalties, surcharges, or court costs.

107 18 Sec. 226. Section 602.8107, subsection 4, paragraph a, Code
107 19 Supplement 2009, is amended to read as follows:

107 20 a. This subsection does not apply to amounts collected for
107 21 victim restitution, the victim compensation fund, the criminal
107 22 penalty surcharge, sex offender civil penalty, drug abuse
107 23 resistance education surcharge, the law enforcement initiative
107 24 surcharge, county enforcement surcharge, amounts collected as
107 25 a result of procedures initiated under subsection 5 or under
107 26 section ~~8A.504~~ 8.74, or fees charged pursuant to section 356.7.

107 27 Sec. 227. Section 642.2, subsection 4, Code 2009, is amended
107 28 to read as follows:

107 29 4. Notwithstanding subsections 2, 3, 6, and 7, any
107 30 moneys owed to the child support obligor by the state, with
107 31 the exception of unclaimed property held by the treasurer
107 32 of state pursuant to chapter 556, and payments owed to the
107 33 child support obligor through the Iowa public employees'
107 34 retirement system are subject to garnishment, attachment,
107 35 execution, or assignment by the child support recovery unit



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108 1 if the child support recovery unit is providing enforcement
108 2 services pursuant to chapter 252B. Any moneys that are
108 3 determined payable by the treasurer pursuant to section 556.20,
108 4 subsection 2, to the child support obligor shall be subject to
108 5 setoff pursuant to section ~~8A.504~~ 8.74, notwithstanding any
108 6 administrative rule pertaining to the child support recovery
108 7 unit limiting the amount of the offset.

108 8 Sec. 228. REPEAL. Sections 8A.502, 8A.503, 8A.504, 8A.506,
108 9 8A.507, 8A.508, 8A.509, 8A.510, 8A.511, 8A.512, 8A.513, 8A.514,
108 10 8A.515, 8A.516, 8A.517, 8A.518, and 8A.519, Code 2009, are
108 11 repealed.

108 12 Sec. 229. REPEAL. Section 8A.505, Code Supplement 2009, is
108 13 repealed.

108 14 Sec. 230. DEPARTMENT OF MANAGEMENT == CENTRALIZED
108 15 PAYROLL SYSTEM. The department of management shall examine
108 16 the possibility of merging all state payroll systems into
108 17 the centralized payroll system operated by the department.
108 18 The department shall consult with those entities of state
108 19 government not utilizing the centralized payroll system,
108 20 including but not limited to the state department of
108 21 transportation and the state board of regents, about strategies
108 22 for encouraging utilization of the state's centralized payroll
108 23 system and by identifying those barriers preventing merging of
108 24 the payroll systems. The department shall provide information
108 25 to the joint appropriations subcommittee on administration
108 26 and regulation concerning efforts by the department to merge
108 27 payroll systems and any recommendations for legislative action
108 28 to encourage, or eliminate barriers to, the provision of
108 29 payroll services by the department to other state agencies.

DIVISION XV

ADMINISTRATION AND REGULATION APPROPRIATIONS

108 31 Sec. 231. DEPARTMENT OF REVENUE == AUDITORS. There
108 32 is appropriated from the general fund of the state to the
108 33 department of revenue for the fiscal year beginning July 1,
108 34 2010, and ending June 30, 2011, the following amount, or so
108 35



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109 1 much thereof as is necessary, to be used for the purposes
 109 2 designated:
 109 3 For salaries, support, maintenance, miscellaneous purposes,
 109 4 and for not more than the following full-time equivalent
 109 5 positions:
 109 6 \$ 325,000
 109 7 FTEs 5.00
 109 8 The moneys appropriated in this section shall be utilized by
 109 9 the department to hire five additional auditors.
 109 10 Sec. 232. DEPARTMENT OF MANAGEMENT == GRANTS ENTERPRISE
 109 11 MANAGEMENT. There is appropriated from the general fund of
 109 12 the state to the department of management for the fiscal year
 109 13 beginning July 1, 2010, and ending June 30, 2011, the following
 109 14 amount, or so much thereof as is necessary, to be used for the
 109 15 purposes designated:
 109 16 For the office of grants enterprise management, including
 109 17 salaries, support, maintenance, miscellaneous purposes, and for
 109 18 not more than the following full-time equivalent position:
 109 19 \$ 50,000
 109 20 FTEs 1.00
 109 21 The moneys appropriated in this section shall be used by
 109 22 the department of management to create and fill an additional
 109 23 position in the office of grants enterprise management.
 109 24 DIVISION XVI
 109 25 elimination of state entities
 109 26 entities associated with the department of agriculture and
 109 27 land stewardship
 109 28 Sec. 233. Section 159.20, subsection 1, paragraph j, Code
 109 29 Supplement 2009, is amended to read as follows:
 109 30 j. Assist the office of renewable fuels and coproducts
 109 31 ~~and the renewable fuels and coproducts advisory committee~~ in
 109 32 administering the provisions of chapter 159A.
 109 33 Sec. 234. Section 159A.1, subsection 3, Code 2009, is
 109 34 amended to read as follows:
 109 35 3. This state adopts a policy of enhancing agricultural



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110 1 production by encouraging the development and use of fuels and
110 2 coproducts derived from agricultural commodities, as provided
110 3 in this chapter, including rules adopted by the office of
110 4 renewable fuels and coproducts ~~and the renewable fuels and~~
110 5 ~~coproducts advisory committee.~~

110 6 Sec. 235. Section 159A.2, subsection 2, Code 2009, is
110 7 amended by striking the subsection.

110 8 Sec. 236. Section 159A.3, subsection 2, paragraph i, Code
110 9 Supplement 2009, is amended by striking the paragraph.

110 10 Sec. 237. Section 159A.6, Code Supplement 2009, is amended
110 11 to read as follows:

110 12 159A.6 Education, promotion, and advertising.

110 13 1. The office shall ~~support~~ do all of the following:

110 14 a. Support education regarding, and promotion and
110 15 advertising of, renewable fuels and coproducts. The office
110 16 shall consult with the Iowa corn growers association and the
110 17 Iowa soybean association.

110 18 ~~2. b. The office shall promote~~ Promote the advantages
110 19 related to the use of renewable fuels as an alternative to
110 20 nonrenewable fuels. Promotions shall be designed to inform the
110 21 ultimate consumer of advantages associated with using renewable
110 22 fuels, and emphasize the benefits to the natural environment.
110 23 The promotion shall inform consumers at the businesses of
110 24 retail dealers of motor vehicle fuels.

110 25 ~~3. c. The committee shall develop~~ Develop standards for
110 26 decals required pursuant to section 214A.16, which shall be
110 27 designed to promote the advantages of using renewable fuels.
110 28 The standards may be incorporated within a model decal adopted
110 29 ~~by the committee and approved~~ by the office.

110 30 ~~4. d. The office shall promote~~ Promote the advantages
110 31 related to the use of coproducts derived from the production
110 32 of renewable fuels, including the use of coproducts used as
110 33 livestock feed or meal. Promotions shall be designed to
110 34 inform the potential purchasers of the advantages associated
110 35 with using coproducts. The office shall promote advantages



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111 1 associated with using coproducts of ethanol production as
111 2 livestock feed or meal to cattle producers in this state.
111 3 ~~5.~~ 2. The office may contract to provide all or part of
111 4 ~~these~~ the services described in subsection 1.
111 5 Sec. 238. Section 159A.7, subsection 2, Code Supplement
111 6 2009, is amended to read as follows:
111 7 2. Moneys in the fund shall be used only to carry out
111 8 the provisions of this section and sections 159A.3, ~~159A.4,~~
111 9 ~~159A.5,~~ 159A.6, 159A.6A, and 159A.6B within the state of Iowa.
111 10 Sec. 239. Section 190C.1, subsection 2, Code 2009, is
111 11 amended by striking the subsection.
111 12 Sec. 240. Section 190C.2B, subsection 1, Code 2009, is
111 13 amended to read as follows:
111 14 1. The department shall implement and administer the
111 15 provisions of this chapter for agricultural products that have
111 16 been produced and handled within this state using organic
111 17 methods as provided in this chapter. ~~The department may~~
111 18 ~~consult with the council in implementing and administering this~~
111 19 ~~chapter.~~ The department may certify agricultural products that
111 20 have been produced and handled outside this state using an
111 21 organic method as provided in this chapter.
111 22 Sec. 241. Section 190C.3, subsection 2, Code 2009, is
111 23 amended to read as follows:
111 24 2. The department may request assistance from ~~the council~~
111 25 ~~as provided in section 190C.2A or from~~ one or more regional
111 26 organic associations as provided in section 190C.6.
111 27 Sec. 242. Section 214A.1, subsection 7, Code 2009, is
111 28 amended by striking the subsection.
111 29 Sec. 243. Section 214A.1, Code 2009, is amended by adding
111 30 the following new subsection:
111 31 NEW SUBSECTION. 17A. "Office" means the office of renewable
111 32 fuels and coproducts created pursuant to section 159A.3.
111 33 Sec. 244. Section 214A.2, subsection 1, Code Supplement
111 34 2009, is amended to read as follows:
111 35 1. The department shall adopt rules pursuant to chapter



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112 1 17A for carrying out this chapter. The rules may include, but
112 2 are not limited to, specifications relating to motor fuel,
112 3 including but not limited to renewable fuel such as ethanol
112 4 blended gasoline, biodiesel, biodiesel blended fuel, and
112 5 motor fuel components such as an oxygenate. In the interest
112 6 of uniformity, the department shall adopt by reference other
112 7 specifications relating to tests and standards for motor fuel
112 8 including renewable fuel and motor fuel components, established
112 9 by the United States environmental protection agency and
112 10 A.S.T.M. international. ~~In adopting standards for a renewable~~
~~112 11 fuel, the department shall consult with the committee.~~

112 12 Sec. 245. Section 422.11N, subsection 4, paragraph b,
112 13 unnumbered paragraph 2, Code 2009, is amended to read as
112 14 follows:

112 15 If the governor finds that exigent circumstances exist, the
112 16 governor may reduce the applicable biofuel threshold percentage
112 17 by replacing it with an adjusted biofuel threshold percentage.
112 18 The governor shall consult with the department of revenue
112 19 and the office of renewable fuels and coproducts advisory
~~112 20 committee established pursuant to section 159A.4 159A.3.~~

112 21 The governor shall make the adjustment by giving notice of
112 22 intent to issue a proclamation which shall take effect not
112 23 earlier than thirty-five days after publication in the Iowa
112 24 administrative bulletin of a notice to issue the proclamation.
112 25 The governor shall provide a period of notice and comment in
112 26 the same manner as provided in section 17A.4, subsection 1.
112 27 The adjusted biofuel threshold percentage shall be effective
112 28 for the following determination period.

112 29 Sec. 246. Section 469.3, subsection 2, paragraph m, Code
112 30 Supplement 2009, is amended to read as follows:

112 31 m. Coordinate with other state agencies regarding
112 32 implementation of the office of renewable fuels and coproducts
112 33 pursuant to section 159A.3, ~~serve on the renewable fuels~~
~~112 34 and coproducts advisory committee,~~ and assist in providing
112 35 technical assistance to new or existing renewable fuel



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113 1 production facilities.
113 2 Sec. 247. REPEAL. Section 159A.4, Code Supplement 2009, is
113 3 repealed.
113 4 Sec. 248. REPEAL. Sections 159A.5, 190C.2, and 190C.2A,
113 5 Code 2009, are repealed.
113 6 DIVISION XVII
113 7 ELIMINATION OF STATE ENTITIES
113 8 ENTITIES ASSOCIATED WITH THE DEPARTMENT OF NATURAL RESOURCES'
113 9 CONTROL OF THE NATURAL HABITAT
113 10 Sec. 249. Section 455A.8, subsection 1, paragraph a,
113 11 unnumbered paragraph 1, Code Supplement 2009, is amended to
113 12 read as follows:
113 13 The Brushy creek recreation trails advisory board shall
113 14 be organized within the department and shall be composed of
113 15 ~~nine~~ seven voting members and one ex officio nonvoting member
113 16 as follows:
113 17 Sec. 250. Section 455A.8, subsection 1, paragraph a,
113 18 subparagraph (3), Code Supplement 2009, is amended by striking
113 19 the subparagraph.
113 20 Sec. 251. Section 455A.8, subsection 1, paragraph a,
113 21 subparagraph (4), Code Supplement 2009, is amended to read as
113 22 follows:
113 23 (4) ~~Seven~~ Six persons appointed by the natural resource
113 24 commission.
113 25 Sec. 252. Section 455A.8, subsection 1, paragraph b, Code
113 26 Supplement 2009, is amended to read as follows:
113 27 b. The director shall provide the natural resource
113 28 commission with nominations of prospective board members.
113 29 Each person appointed by the natural resource commission must
113 30 actively participate in recreational trail activities such
113 31 as hiking, bicycling, an equestrian sport, or a winter sport
113 32 at the Brushy creek recreation area. The ~~nine~~ seven voting
113 33 members shall elect a chairperson at the board's first meeting
113 34 each year.



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114 1 Sec. 253. Section 465C.1, subsection 2, Code 2009, is
114 2 amended by striking the subsection.
114 3 Sec. 254. Section 465C.1, subsection 4, Code 2009, is
114 4 amended to read as follows:
114 5 4. "Dedication" means the allocation of an area as a
114 6 preserve by a public agency or by a private owner by written
114 7 stipulation in a form approved by the ~~state advisory board for~~
114 8 ~~preserves~~ commission.
114 9 Sec. 255. Section 465C.2, Code 2009, is amended to read as
114 10 follows:
114 11 465C.2 ~~Advisory board~~ State system of preserves created.
114 12 There is hereby created a state system of preserves ~~and a~~
114 13 ~~state advisory board for preserves.~~
114 14 Sec. 256. Section 465C.6, Code 2009, is amended to read as
114 15 follows:
114 16 465C.6 Advisors.
114 17 Representatives of such agencies, institutions, and
114 18 organizations as the ~~board~~ commission may determine may serve
114 19 as advisors to the ~~board~~ commission. Such advisors shall
114 20 receive no compensation for this function but at the discretion
114 21 of the ~~board~~ commission may be reimbursed for travel and
114 22 other necessary expenses in connection with the performance of
114 23 their duties.
114 24 Sec. 257. Section 465C.7, Code 2009, is amended to read as
114 25 follows:
114 26 465C.7 Ecologist.
114 27 The director shall employ, upon recommendation by the
114 28 ~~board~~ commission, at salaries fixed by the ~~board~~ commission, a
114 29 trained ecologist and other personnel as necessary to carry out
114 30 the powers and duties of the ~~board~~ commission.
114 31 Sec. 258. Section 465C.8, unnumbered paragraph 1, Code
114 32 2009, is amended to read as follows:
114 33 The ~~board~~ commission shall have the following powers and
114 34 duties:



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115 1 Sec. 259. Section 465C.8, subsection 9, Code 2009, is
115 2 amended to read as follows:

115 3 9. To authorize payment of travel and other necessary
115 4 expenses of ~~the members of the board and~~ advisors to the
115 5 ~~board, and salaries, wages, compensations, travel, supplies,~~
115 6 ~~and equipment necessary to carry out the duties of the~~
115 7 ~~board,~~ commission and to authorize any other expenditures as
115 8 may be necessary to carry into effect the purposes of this
115 9 chapter.

115 10 Sec. 260. Section 465C.9, Code 2009, is amended to read as
115 11 follows:

115 12 465C.9 Articles of dedication.

115 13 1. ~~The~~ A public agency or private owner shall
115 14 complete articles of dedication on forms approved by the
115 15 ~~board~~ commission. When the articles of dedication have been
115 16 approved by the governor, the ~~board~~ commission shall record
115 17 them with the county recorder for the county or counties in
115 18 which the area is located.

115 19 2. The articles of dedication may contain restrictions
115 20 on development, sale, transfer, method of management, public
115 21 access, and commercial or other use, and may contain such other
115 22 provisions as may be necessary to further the purposes of this
115 23 chapter. They may define the respective jurisdictions of the
115 24 owner or operating agency and the ~~board~~ commission. They may
115 25 provide procedures to be applied in case of violation of the
115 26 dedication. They may recognize reversionary rights. They may
115 27 vary in provisions from one preserve to another in accordance
115 28 with differences in relative conditions.

115 29 Sec. 261. Section 465C.10, Code 2009, is amended to read as
115 30 follows:

115 31 465C.10 When dedicated as a preserve.

115 32 An area shall become a preserve when it has been approved by
115 33 the ~~board~~ commission for dedication as a preserve, whether in
115 34 public or private ownership, formally dedicated as a preserve
115 35 within the system by a public agency or private owner and



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116 1 designated by the governor as a preserve.
116 2 Sec. 262. Section 465C.11, Code 2009, is amended to read as
116 3 follows:
116 4 465C.11 Area held in trust.
116 5 1. An area designated as a preserve within the system
116 6 is ~~hereby~~ declared put to its highest, best, and most
116 7 important use for public benefit. It shall be held in trust
116 8 and shall not be alienated except to another public use
116 9 upon a finding by the ~~board~~ commission of imperative and
116 10 unavoidable public necessity, and with the approval of ~~the~~
~~116 11 commission,~~ the general assembly by ~~concurrent~~ resolution,
116 12 and of the governor. The ~~board's~~ commission's interest
116 13 or interests in any area designated as a preserve shall
116 14 not be taken under the condemnation statutes of this state
116 15 without such a finding of imperative and unavoidable public
116 16 necessity by the ~~board~~ commission, and with the ~~consent~~
~~116 17 of the commission,~~ approval of the general assembly by
116 18 ~~concurrent~~ resolution, and of the governor.
116 19 2. The ~~board~~ commission, with the approval of the governor,
116 20 may enter into amendments to any articles of dedication upon
116 21 its finding that such amendment will not permit an impairment,
116 22 disturbance, or development of the area inconsistent with the
116 23 purposes of this chapter.
116 24 3. Before the ~~board~~ commission shall make a finding
116 25 of imperative and unavoidable public necessity, or shall
116 26 enter into any amendment to articles of dedication, ~~it~~ the
116 27 commission shall provide notice of such proposal and
116 28 opportunity for any person to be heard. Such notice shall
116 29 be published at least once in a newspaper with a general
116 30 circulation in the county or counties wherein the area directly
116 31 affected is situated, and mailed within ten days of such
116 32 published notice to all persons who have requested notice of
116 33 all such proposed actions. Each notice shall set forth the
116 34 substance of the proposed action and describe, with or without
116 35 legal description, the area affected, and shall set forth a



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117 1 place and time not less than sixty days thence for all persons
117 2 desiring to be heard to have reasonable opportunity to be heard
117 3 prior to the finding of the ~~board~~ commission.
117 4 Sec. 263. 2008 Iowa Acts, chapter 1080, section 1,
117 5 subsection 6, is amended to read as follows:
117 6 6. This section is repealed on July 1, 2010 the effective
117 7 date of this section of this division of this Act.
117 8 Sec. 264. REPEAL. Sections 465C.3, 465C.4, and 465C.5, Code
117 9 2009, are repealed.
117 10 Sec. 265. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
117 11 is repealed.
117 12 Sec. 266. APPLICABILITY OF ACT TO BRUSHY CREEK RECREATIONAL
117 13 ADVISORY BOARD. The sections of this division of this Act
117 14 amending section 455A.8 shall not affect the appointment or
117 15 term of office of a person who is serving as a member of the
117 16 Brushy creek recreational advisory board on the effective
117 17 date of those sections, until the member completes the term
117 18 of office, and shall take full effect only after such term of
117 19 office is completed.
117 20 Sec. 267. EFFECTIVE UPON ENACTMENT. The following
117 21 provisions of this division of this Act, being deemed of
117 22 immediate importance, take effect upon enactment:
117 23 The sections of this Act repealing 2009 Iowa Acts, chapter
117 24 144, section 49, establishing an upland game bird study
117 25 advisory committee.
117 26 DIVISION XVIII
117 27 elimination of state entities
117 28 entities associated with the department of natural resources ==
117 29 iowa climate change advisory council
117 30 Sec. 268. Section 455B.851, subsections 1 through 8, Code
117 31 2009, are amended by striking the subsections.
117 32 Sec. 269. Section 455B.851, subsection 9, Code 2009, is
117 33 amended to read as follows:
117 34 9. By September 1 of each year, the department shall submit
117 35 a report to the governor and the general assembly regarding



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118 1 the greenhouse gas emissions in the state during the previous
118 2 calendar year and forecasting trends in such emissions. The
118 ~~3 first submission by the department shall be filed by September~~
118 ~~4 1, 2008, for the calendar year beginning January 1, 2007.~~

118 5 Sec. 270. Section 473.7, subsection 12, paragraph b, Code
118 6 Supplement 2009, is amended to read as follows:

118 7 b. ~~In the course of the review, the institutions shall meet~~
118 ~~8 at least twice with the Iowa climate change advisory council~~
118 ~~9 established in section 455B.851.~~ The office shall submit a
118 10 report, based upon input from the institutions, containing
118 11 its findings and recommendations to the governor and general
118 12 assembly by January 1, 2011.

118 13 Sec. 271. EFFECTIVE UPON ENACTMENT. This division of this
118 14 Act, being deemed of immediate importance, takes effect upon
118 15 enactment.

118 16 DIVISION XIX

118 17 elimination of state entities

118 18 entities associated with iowa state university == livestock
118 19 health advisory council

118 20 Sec. 272. Section 267.7, Code 2009, is amended to read as
118 21 follows:

118 22 267.7 ~~Other funds~~ Gifts and moneys.

118 23 ~~In addition to the funds appropriated to it by this chapter,~~
118 ~~24 the Iowa state university college of veterinary medicine may~~
118 25 accept gifts of property or moneys, in any form including
118 26 but not limited to appropriations, grants, gifts, matching
118 27 funds, or any other funds or matching moneys, from any public
118 28 or private source for purposes of conducting research into
118 29 the involving diseases of affecting livestock from any source,
118 30 public or private. The college may deposit the moneys into the
118 31 livestock disease research fund created in section 267.8.

118 32 Sec. 273. Section 267.8, Code 2009, is amended to read as
118 33 follows:

118 34 267.8 Livestock disease research fund.

118 35 ~~There~~ A livestock disease research fund is created in the



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119 1 office of the treasurer of state ~~a fund to be known as the~~
119 2 ~~livestock disease research fund~~ for use by the Iowa state
119 3 university college of veterinary medicine to support the
119 4 college in conducting research involving diseases affecting
119 5 livestock. Any balance in said fund on June 30 of each fiscal
119 6 year shall revert to the general fund.
119 7 Sec. 274. Section 352.2, subsection 8, Code 2009, is amended
119 8 to read as follows:
119 9 8. "Livestock" means ~~the same as defined in section~~
119 10 ~~267.1~~ swine, sheep, poultry, cattle, ostriches, rheas, or emus.
119 11 Sec. 275. REPEAL. Sections 267.1, 267.2, 267.3, 267.4,
119 12 267.5, and 267.6, Code 2009, are repealed.
119 13 Sec. 276. TRANSFER. Sections 267.7 and 267.8 are
119 14 transferred from chapter 267 to chapter 266. The sections
119 15 shall be codified as part of a new division, if determined
119 16 appropriate by the Iowa Code editor.
119 17 DIVISION XX
119 18 NATURAL RESOURCES == BOARDS AND COMMISSIONS
119 19 Sec. 277. Section 455A.8, subsection 1, paragraph a,
119 20 subparagraphs (3) and (4), Code Supplement 2009, are amended
119 21 to read as follows:
119 22 ~~(3) A member of the state advisory board for preserves~~
119 23 ~~established under chapter 465C.~~
119 24 ~~(4) (3) Seven~~ Eight persons appointed by the natural
119 25 resource commission.
119 26 Sec. 278. Section 455A.8, subsection 2, Code Supplement
119 27 2009, is amended to read as follows:
119 28 2. Each voting member of the board shall serve for terms
119 29 of three years, and shall be eligible for reappointment. A
119 30 vacancy on the board shall be filled for the remainder of the
119 31 original term. However, a vacancy in the membership slot
119 32 designated for the park employee shall be filled by the park
119 33 employee's successor, ~~and the person representing the state~~
119 34 ~~advisory board for preserves shall serve at the pleasure of the~~
119 35 ~~board.~~ The department shall reimburse each member, other than



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120 1 the director or the director's designee and the park employee,
120 2 for actual expenses incurred by the member in performance
120 3 of the duties of the board. A majority of voting members
120 4 constitutes a quorum, and the affirmative vote of a majority
120 5 present is necessary for any action taken by the board, except
120 6 that a lesser number may adjourn a meeting. A vacancy in the
120 7 membership of the board does not impair the rights of a quorum
120 8 to exercise all rights and perform all duties of the board.
120 9 The board shall meet as required, but at least twice a year.
120 10 The board shall meet upon call of the chairperson, or upon
120 11 written request of three members of the board. Written notice
120 12 of the time and place of the meeting shall be given to each
120 13 member.

120 14 Sec. 279. Section 455B.104, Code Supplement 2009, is
120 15 amended by adding the following new subsections:

120 16 NEW SUBSECTION. 3. The department may periodically forward
120 17 recommendations to the commission designed to encourage the
120 18 reduction of statewide greenhouse gas emissions.

120 19 NEW SUBSECTION. 4. By September 1 of each year, the
120 20 department shall submit a report to the governor and the
120 21 general assembly regarding the greenhouse gas emissions in the
120 22 state during the previous calendar year and forecasting trends
120 23 in such emissions. The first submission by the department
120 24 shall be filed by September 1, 2011, for the calendar year
120 25 beginning January 1, 2010.

120 26 Sec. 280. Section 455B.851, Code 2009, is amended by adding
120 27 the following new subsection:

120 28 NEW SUBSECTION. 10. This section is repealed July 1, 2011.

120 29 Sec. 281. Section 465C.1, subsection 2, Code 2009, is
120 30 amended by striking the subsection.

120 31 Sec. 282. Section 465C.1, subsection 4, Code 2009, is
120 32 amended to read as follows:

120 33 4. "Dedication" means the allocation of an area as a
120 34 preserve by a public agency or by a private owner by written
120 35 stipulation in a form approved by the ~~state advisory board for~~



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~~121 1 preserves commission.~~

121 2 Sec. 283. Section 465C.2, Code 2009, is amended to read as
121 3 follows:

121 4 465C.2 ~~Advisory board~~ State system of preserves.

121 5 There is hereby created a state system of preserves ~~and a~~
121 6 ~~state advisory board for preserves.~~

121 7 Sec. 284. Section 465C.7, Code 2009, is amended to read as
121 8 follows:

121 9 465C.7 Ecologist.

121 10 The director shall employ, ~~upon recommendation by the board,~~
121 11 ~~at salaries fixed by the board,~~ a trained ecologist and other
121 12 personnel as necessary to carry out the powers and duties of
121 13 the ~~board~~ commission.

121 14 Sec. 285. Section 465C.8, unnumbered paragraph 1, Code
121 15 2009, is amended to read as follows:

121 16 The ~~board~~ commission shall have the following powers and
121 17 duties:

121 18 Sec. 286. Section 465C.8, subsections 3, 4, 5, 9, and 11,
121 19 Code 2009, are amended to read as follows:

121 20 3. To ~~recommend dedication~~ dedicate as preserves, ~~of~~ areas
121 21 owned by the state under the jurisdiction of the department.

121 22 4. To ~~recommend acquisition of~~ acquire areas for dedication
121 23 as preserves ~~subject to approval by the natural resource~~
121 24 ~~commission.~~

121 25 5. To ~~recommend dedication~~ dedicate as preserves,
121 26 areas owned by other public agencies, private groups, and
121 27 individuals.

121 28 9. To authorize payment of travel and other necessary
121 29 expenses of ~~the members of the board and~~ advisors to the
121 30 ~~board~~ commission, and salaries, wages, compensations, travel,
121 31 supplies, and equipment necessary to carry out the duties of
121 32 the ~~board~~ commission, and to authorize any other expenditures
121 33 as may be necessary to carry into effect the purposes of this
121 34 chapter.

121 35 11. To submit to the governor and the ~~legislature~~ general



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122 1 assembly a report before January 15, 1967, and by January 15
122 2 in every two years thereafter odd-numbered year which shall
122 3 account for each preserve in the system and make such other
122 4 reports and recommendations as it may deem necessary.
122 5 Sec. 287. Section 465C.9, Code 2009, is amended to read as
122 6 follows:
122 7 465C.9 Articles of dedication.
122 8 The public agency or private owner shall complete articles
122 9 of dedication on forms approved by the ~~board~~ commission. When
122 10 the articles of dedication have been approved by the governor,
122 11 the ~~board~~ commission shall record them with the county recorder
122 12 for the county or counties in which the area is located.
122 13 The articles of dedication may contain restrictions on
122 14 development, sale, transfer, method of management, public
122 15 access, and commercial or other use, and may contain such
122 16 other provisions as may be necessary to further the purposes
122 17 of this chapter. ~~They~~ The articles of dedication may define
122 18 the respective jurisdictions of the owner or operating agency
122 19 and the ~~board~~ commission. ~~They~~ The articles of dedication may
122 20 provide procedures to be applied in case of violation of the
122 21 dedication. ~~They~~ and may recognize reversionary rights.
122 22 ~~They~~ The articles of dedication may vary in provisions from one
122 23 preserve to another in accordance with differences in relative
122 24 conditions.
122 25 Sec. 288. Section 465C.10, Code 2009, is amended to read as
122 26 follows:
122 27 465C.10 When dedicated as a preserve.
122 28 An area shall become a preserve when it has been approved by
122 29 the ~~board~~ commission for dedication as a preserve, whether in
122 30 public or private ownership, formally dedicated as a preserve
122 31 within the system by a public agency or private owner and
122 32 designated by the governor as a preserve.
122 33 Sec. 289. Section 465C.11, Code 2009, is amended to read as
122 34 follows:
122 35 465C.11 Area held in trust.



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123 1 An area designated as a preserve within the system is
123 2 hereby declared put to its highest, best, and most important
123 3 use for public benefit. It shall be held in trust and shall
123 4 not be alienated except to another public use upon a finding
123 5 by the ~~board~~ commission of imperative and unavoidable public
123 6 necessity and with the approval of ~~the commission~~, the
123 7 general assembly by ~~concurrent~~ resolution, and the governor.
123 8 The ~~board's~~ commission's interest or interests in any
123 9 area designated as a preserve shall not be taken under the
123 10 condemnation statutes of this state without such a finding
123 11 of imperative and unavoidable public necessity by ~~the board~~,
~~123 12 and with the consent of the commission, and with the approval~~
123 13 of the general assembly by ~~concurrent~~ resolution, and of the
123 14 governor.

123 15 The ~~board~~ commission, with the approval of the governor,
123 16 may enter into amendments to any articles of dedication upon
123 17 its finding that such amendment will not permit an impairment,
123 18 disturbance, or development of the area inconsistent with the
123 19 purposes of this chapter.

123 20 Before the ~~board~~ commission shall make a finding of
123 21 imperative and unavoidable public necessity, or shall enter
123 22 into any amendment to articles of dedication, it shall provide
123 23 notice of such proposal and opportunity for any person to be
123 24 heard. Such notice shall be published at least once in a
123 25 newspaper with a general circulation in the county or counties
123 26 wherein the area directly affected is situated, and mailed
123 27 within ten days of such published notice to all persons who
123 28 have requested notice of all such proposed actions. Each
123 29 notice shall set forth the substance of the proposed action
123 30 and describe, with or without legal description, the area
123 31 affected, and shall set forth a place and time not less than
123 32 sixty days thence for all persons desiring to be heard to have
123 33 reasonable opportunity to be heard prior to the finding of the
123 34 ~~board~~ commission.



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124 1 Sec. 290. Section 473.7, subsection 12, paragraph b, Code
124 2 Supplement 2009, is amended by striking the paragraph.
124 3 Sec. 291. REPEAL. Sections 465C.3, 465C.4, 465C.5, and
124 4 465C.6, Code 2009, are repealed.
124 5 Sec. 292. REPEAL. 2009 Iowa Acts, chapter 144, section 49,
124 6 is repealed.
124 7 Sec. 293. REPEAL. 2008 Iowa Acts, chapter 1080, section 1,
124 8 is repealed.
124 9 Sec. 294. EFFECTIVE UPON ENACTMENT. The following
124 10 provision or provisions of this division of this Act, being
124 11 deemed of immediate importance, take effect upon enactment:
124 12 1. The section of this Act repealing 2009 Iowa Acts, chapter
124 13 144, section 49.
124 14 2. The section of this Act repealing 2008 Iowa Acts, chapter
124 15 1080, section 1.
124 16 Sec. 295. EFFECTIVE DATE. The following provision or
124 17 provisions of this division of this Act take effect July 1,
124 18 2011:
124 19 1. The section of this Act amending section 455B.104.
124 20 2. The section of this Act amending section 473.7.
124 21 DIVISION XXI
124 22 iowa comprehensive petroleum underground
124 23 storage tank fund board
124 24 Sec. 296. Section 15G.201, subsection 10, Code 2009, is
124 25 amended by striking the subsection.
124 26 Sec. 297. Section 15G.202, subsection 6, Code 2009, is
124 27 amended to read as follows:
124 28 6. The infrastructure board shall meet with ~~three~~
124 29 ~~or more members of the underground storage tank fund~~
124 30 ~~board who shall represent the underground storage tank~~
124 31 ~~fund board~~ the department of natural resources. The
124 32 ~~representatives~~ department of natural resources shall
124 33 be available to advise the infrastructure board when the
124 34 infrastructure board makes decisions regarding the awarding
124 35 of financial incentives to a person under a renewable fuel



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125 1 infrastructure program provided in section 15G.203 or 15G.204.
125 2 Sec. 298. Section 15G.203, subsection 2, Code Supplement
125 3 2009, is amended to read as follows:
125 4 2. A person may apply to the department of economic
125 5 development to receive financial incentives on a cost=share
125 6 basis. The department of economic development shall forward
125 7 the applications to the ~~underground storage tank fund~~
125 8 ~~board~~ department of natural resources as required by ~~that~~
125 9 ~~board~~ the department of natural resources for evaluation
125 10 and recommendation. The ~~underground storage tank fund~~
125 11 ~~board~~ department of natural resources may rank the applications
125 12 with comments and shall forward them to the infrastructure
125 13 board for approval or disapproval. The department of economic
125 14 development shall award financial incentives on a cost=share
125 15 basis to an eligible person whose application was approved by
125 16 the infrastructure board.
125 17 Sec. 299. Section 15G.204, subsection 1, Code 2009, is
125 18 amended to read as follows:
125 19 1. A person may apply to the department of economic
125 20 development to receive financial incentives on a cost=share
125 21 basis. The department of economic development shall forward
125 22 the applications to the ~~underground storage tank fund~~
125 23 ~~board~~ department of natural resources as required by ~~that~~
125 24 ~~board~~ the department of natural resources for evaluation
125 25 and recommendation. The ~~underground storage tank fund~~
125 26 ~~board~~ department of natural resources may rank the applications
125 27 with comments and shall forward them to the infrastructure
125 28 board for approval or disapproval. The department of economic
125 29 development shall award financial incentives on a cost=share
125 30 basis to an eligible person whose application was approved by
125 31 the infrastructure board.
125 32 Sec. 300. Section 16.151, Code 2009, is amended to read as
125 33 follows:
125 34 16.151 Authority to issue Iowa tank assistance bonds.
125 35 The authority shall assist the Iowa comprehensive petroleum



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126 1 underground storage tank fund as provided in chapter 455G
126 2 and the authority shall have all of the powers that the
126 3 ~~Iowa comprehensive petroleum underground storage tank fund~~
126 4 ~~board~~ department of natural resources possesses and which
126 5 that ~~board~~ department delegates to the authority in a chapter
126 6 28E agreement or a contract between the authority and the
126 7 ~~Iowa comprehensive petroleum underground storage tank fund~~
126 8 ~~board~~ department with respect to the issuance and securing of
126 9 bonds and carrying out the purposes of chapter 455G.
126 10 Sec. 301. Section 68B.35, subsection 2, paragraph e, Code
126 11 Supplement 2009, is amended to read as follows:
126 12 e. Members of the state banking council, the ethics and
126 13 campaign disclosure board, the credit union review board, the
126 14 economic development board, the employment appeal board, the
126 15 environmental protection commission, the health facilities
126 16 council, the Iowa finance authority, the Iowa public employees'
126 17 retirement system investment board, the board of the Iowa
126 18 lottery authority, the natural resource commission, the
126 19 board of parole, ~~the petroleum underground storage tank~~
126 20 ~~fund board~~, the public employment relations board, the state
126 21 racing and gaming commission, the state board of regents,
126 22 the tax review board, the transportation commission, the
126 23 office of consumer advocate, the utilities board, the Iowa
126 24 telecommunications and technology commission, and any full-time
126 25 members of other boards and commissions as defined under
126 26 section 7E.4 who receive an annual salary for their service
126 27 on the board or commission. The Iowa ethics and campaign
126 28 disclosure board shall conduct an annual review to determine
126 29 if members of any other board, commission, or authority should
126 30 file a statement and shall require the filing of a statement
126 31 pursuant to rules adopted pursuant to chapter 17A.
126 32 Sec. 302. Section 424.1, subsections 3 through 5, Code 2009,
126 33 are amended to read as follows:
126 34 3. The director of revenue shall enter into a contract or
126 35 agreement with the ~~board~~ department of natural resources to



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127 1 provide assistance requested by the ~~board~~ department of natural
127 2 resources. Policy issues arising under this chapter or chapter
127 3 455G shall be determined by the ~~board~~ department of natural
127 4 resources, and the ~~board~~ department of natural resources shall
127 5 be joined as a real party in interest when a policy issue is
127 6 raised.

127 7 4. The ~~board~~ environmental protection commission shall
127 8 retain rulemaking authority, but may contract with the
127 9 department of revenue for assistance in drafting rules. The
127 10 ~~board~~ commission shall retain contested case jurisdiction over
127 11 any challenge to the diminution rate or cost factor. The
127 12 department of revenue shall conduct all other contested cases
127 13 and be responsible for other agency action in connection with
127 14 the environmental protection charge imposed under this chapter.

127 15 5. The ~~board~~ department of natural resources shall
127 16 reimburse the department of revenue by contract for the
127 17 reasonable cost of administration of the environmental
127 18 protection charge imposed under this chapter and for other
127 19 duties delegated to the department of revenue or to the
127 20 director of revenue by the ~~board~~ department of natural
127 21 resources.

127 22 Sec. 303. Section 424.2, subsection 1, Code 2009, is amended
127 23 by striking the subsection.

127 24 Sec. 304. Section 424.3, subsection 5, Code Supplement
127 25 2009, is amended to read as follows:

127 26 5. The cost factor is an amount per gallon of
127 27 diminution determined by the ~~board~~ department of natural
127 28 resources pursuant to this subsection. The ~~board~~ department
127 29 of natural resources, after public hearing, shall determine,
127 30 or shall adjust, the cost factor to the greater of either an
127 31 amount reasonably calculated to generate an annual average
127 32 revenue, year to year, of seventeen million dollars from the
127 33 charge, excluding penalties and interest, or ten dollars. The
127 34 ~~board~~ department of natural resources may determine or adjust
127 35 the cost factor at any time but shall at minimum determine the



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128 1 cost factor at least once each fiscal year.
128 2 Sec. 305. Section 424.5, subsections 1 and 5, Code 2009, are
128 3 amended to read as follows:
128 4 1. It is unlawful for any person to deposit petroleum into
128 5 a tank in this state, unless a depositor permit has been issued
128 6 to that person under this section. A depositor shall file with
128 7 the department an application for a permit. An application
128 8 for a permit shall be made upon a form prescribed by the
128 9 ~~board~~ department of natural resources and shall set forth the
128 10 name under which the applicant transacts or intends to transact
128 11 business, the location or locations of the applicant's place
128 12 of business, and any other information as the ~~board~~ department
128 13 of natural resources may require. The application shall
128 14 be signed by the owner if a natural person; in the case of
128 15 an association or partnership, by a member or partner; in
128 16 the case of a corporation, by an executive officer or some
128 17 person specifically authorized by the corporation to sign the
128 18 application, to which shall be attached the written evidence of
128 19 the person's authority.
128 20 5. If the holder of a permit fails to comply with any
128 21 of the provisions of this chapter or any order or rule of
128 22 the department, ~~or~~ rule of the environmental protection
128 23 commission, or order of the ~~board~~ department of natural
128 24 resources pursuant to this chapter, or is substantially
128 25 delinquent in the payment of a tax or charge administered by
128 26 the department or the interest or penalty on the tax or charge,
128 27 the director may revoke the permit.
128 28 Sec. 306. Section 424.6, subsection 1, unnumbered paragraph
128 29 2, Code 2009, is amended to read as follows:
128 30 The department shall permit a credit against the charge due
128 31 from a person operating an eligible underground bulk storage
128 32 facility equal to the total volume of petroleum transferred or
128 33 sold from a tank in bulk quantities and delivered to a person
128 34 for deposit in a tank which is exempt, deferred, or excluded
128 35 pursuant to this subsection, multiplied by the diminution rate



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129 1 multiplied by the cost factor, subject to rules adopted by the
129 2 ~~board~~ environmental protection commission. "Bulk quantities" as
129 3 used in this paragraph means at least a portion of a standard
129 4 tanker truck load. "Eligible underground bulk storage facility"
129 5 means an underground bulk storage facility in operation on or
129 6 before January 1, 1990.

129 7 Sec. 307. Section 424.6, subsection 6, Code 2009, is amended
129 8 to read as follows:

129 9 6. The ~~board~~ department of natural resources may waive
129 10 the requirement for an exemption certificate for one or more
129 11 classes of exempt, deferred, or excluded tanks, if in the
129 12 ~~board's~~ department of natural resources' judgment an exemption
129 13 certificate is not required for effective and efficient
129 14 collection of the charge. If an exemption certificate is not
129 15 required for a class pursuant to this subsection, the depositor
129 16 shall maintain and file such records and information as may be
129 17 required by the director regarding deposits into a tank subject
129 18 to the waiver.

129 19 Sec. 308. Section 424.11, subsection 1, paragraph b, Code
129 20 Supplement 2009, is amended to read as follows:

129 21 b. The environmental protection charge lien shall attach at
129 22 the time the charge becomes due and payable and shall continue
129 23 for ten years from the time the lien attaches unless sooner
129 24 released or otherwise discharged. The lien may be extended,
129 25 within ten years from the date the lien attaches, by filing
129 26 for record a notice with the appropriate county official of
129 27 the appropriate county and from the time of such filing, the
129 28 lien shall be extended to the property in such county for ten
129 29 years, unless sooner released or otherwise discharged, with no
129 30 limit on the number of extensions. The director shall charge
129 31 off any account whose lien is allowed to lapse and may charge
129 32 off any account and release the corresponding lien before the
129 33 lien has lapsed if the director determines under uniform rules
129 34 adopted by the ~~board~~ environmental protection commission that
129 35 the account is uncollectible or collection costs involved would



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130 1 not warrant collection of the amount due.
130 2 Sec. 309. Section 424.15, unnumbered paragraph 2, Code
130 3 2009, is amended to read as follows:
130 4 Refunds may be made only from the unallocated or uncommitted
130 5 moneys in the road use tax fund, and are limited by the
130 6 total amount budgeted by the ~~board~~ department of natural
130 7 resources for charge refunds.
130 8 Sec. 310. Section 424.16, subsections 1 and 2, Code
130 9 Supplement 2009, are amended to read as follows:
130 10 1. a. The ~~board~~ department of natural resources shall
130 11 notify each person who has previously filed an environmental
130 12 protection charge return, and any other person known to the
130 13 ~~board~~ department of natural resources who will owe the charge
130 14 at any address obtainable for that person, at least thirty days
130 15 in advance of the start of any calendar quarter during which an
130 16 administrative change in the cost factor, pursuant to section
130 17 424.3, subsection 5, becomes effective.
130 18 b. Notice shall be provided by mailing a notice of the
130 19 change to the address listed on the person's last return.
130 20 The mailing of the notice is presumptive evidence of the
130 21 receipt of the notice by the person to whom addressed. The
130 22 ~~board~~ department of natural resources shall also publish the
130 23 same notice at least twice in a paper of general circulation
130 24 within the state at least thirty days in advance of the first
130 25 day of the calendar quarter during which a change in paragraph
130 26 "a" becomes effective.
130 27 2. A notice authorized or required under this section may
130 28 be given by mailing the notice to the person for whom it is
130 29 intended, addressed to that person at the address given in the
130 30 last return filed by the person pursuant to this chapter, or if
130 31 no return has been filed, then to any address obtainable. The
130 32 mailing of the notice is presumptive evidence of the receipt
130 33 of the notice by the person to whom addressed. Any period
130 34 of time which is determined according to this chapter by the
130 35 giving of notice commences to run from the date of mailing of



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131 1 the notice. Neither mailed notice or notice by publication
131 2 is required for the initial determination and imposition of
131 3 the charge. The ~~board~~ department of natural resources shall
131 4 undertake to provide reasonable notice of the environmental
131 5 protection charge and procedures, as in the ~~board's~~ department
131 6 of natural resources' sole discretion it deems appropriate,
131 7 provided that the actual charge and procedures are published in
131 8 the Iowa administrative bulletin prior to the effective date
131 9 of the charge.

131 10 Sec. 311. Section 427B.20, subsection 1, paragraph a, Code
131 11 Supplement 2009, is amended to read as follows:

131 12 a. "Actual portion of the costs paid by the owner or operator
131 13 of an underground storage tank in connection with a remedial
131 14 action for which the Iowa comprehensive petroleum underground
131 15 storage tank fund shares in the cost of corrective action" means
131 16 the amount determined by the ~~fund's board~~ department of natural
131 17 resources, or the board's designee of the department of natural
131 18 resources, as the administrator of the Iowa comprehensive
131 19 petroleum underground storage tank fund, and for which the
131 20 owner or operator was not reimbursed from any other source.

131 21 Sec. 312. Section 455B.471, subsection 1, Code 2009, is
131 22 amended by striking the subsection.

131 23 Sec. 313. Section 455B.474, subsection 1, paragraph f,
131 24 subparagraphs (9) and (10), Code Supplement 2009, are amended
131 25 to read as follows:

131 26 (9) Replacement or upgrade of a tank on a site classified
131 27 as a high or low risk site shall be equipped with a secondary
131 28 containment system with monitoring of the space between
131 29 the primary and secondary containment structures or other
131 30 ~~board~~ department approved tank system or methodology.

131 31 (10) The commission ~~and the board~~ shall ~~cooperate~~ to ensure
131 32 that remedial measures required by the corrective action
131 33 rules adopted pursuant to this paragraph are reasonably
131 34 cost-effective and shall, to the fullest extent possible, avoid
131 35 duplicating and conflicting requirements.



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132 1 Sec. 314. Section 455B.474, subsection 9, paragraph d, Code
132 2 Supplement 2009, is amended to read as follows:

132 3 d. The certification of groundwater professionals shall not
132 4 impose liability on ~~the board~~, the department, or the fund for
132 5 any claim or cause of action of any nature, based on the action
132 6 or inaction of a groundwater professional certified pursuant
132 7 to this subsection.

132 8 Sec. 315. Section 455B.477, subsection 7, Code 2009, is
132 9 amended to read as follows:

132 10 7. The civil penalties or other damages or moneys recovered
132 11 by the state or the petroleum underground storage tank fund
132 12 in connection with a petroleum underground storage tank under
132 13 this part of this division or chapter 455G shall be credited to
132 14 the fund created in section 455G.3 and allocated between fund
132 15 accounts according to the fund budget. Any federal moneys,
132 16 including but not limited to federal underground storage tank
132 17 trust fund moneys, received by the state or the department of
132 18 natural resources in connection with a release occurring on
132 19 or after May 5, 1989, or received generally for underground
132 20 storage tank programs on or after May 5, 1989, shall be
132 21 credited to the fund created in section 455G.3 and allocated
132 22 between fund accounts according to the fund budget, unless
132 23 such use would be contrary to federal law. ~~The department~~
132 24 ~~shall cooperate with the board of the Iowa comprehensive~~
132 25 ~~petroleum underground storage tank fund to maximize the state's~~
132 26 ~~eligibility for and receipt of federal funds for underground~~
132 27 ~~storage tank related purposes.~~

132 28 Sec. 316. Section 455G.1, subsection 2, paragraph c, Code
132 29 Supplement 2009, is amended to read as follows:

132 30 c. If and when federal law changes, the ~~department~~
132 31 ~~of natural resources~~ commission shall adopt by rule
132 32 such additional requirements, exemptions, deferrals, or
132 33 exclusions as required by federal law. It is expected that
132 34 certain classes of tanks currently exempted or excluded by
132 35 federal regulation will be regulated by the United States



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133 1 environmental protection agency in the future. A tank
133 2 which is not required by federal law to maintain proof of
133 3 financial responsibility shall not be subject to ~~department~~
133 4 ~~of natural resources~~ commission rules on proof of financial
133 5 responsibility.
133 6 Sec. 317. Section 455G.2, subsections 2, 5, 6, and 12, Code
133 7 2009, are amended to read as follows:
133 8 2. ~~"Board" means the Iowa comprehensive petroleum~~
133 9 ~~underground storage tank fund board.~~
133 10 5. "Community remediation" means a program of coordinated
133 11 testing, planning, or remediation, involving two or more tank
133 12 sites potentially connected with a continuous contaminated
133 13 area, pursuant to rules adopted by the ~~board~~ commission. A
133 14 community remediation does not expand the scope of coverage
133 15 otherwise available or relieve liability otherwise imposed
133 16 under state or federal law.
133 17 6. "Corrective action" means an action taken to minimize,
133 18 eliminate, or clean up a release to protect the public
133 19 health and welfare or the environment. Corrective action
133 20 includes, but is not limited to, excavation of an underground
133 21 storage tank for the purposes of repairing a leak or removal
133 22 of a tank, removal of contaminated soil, and cleansing of
133 23 groundwaters or surface waters. Corrective action does
133 24 not include replacement of an underground storage tank or
133 25 other capital improvements to the tank. Corrective action
133 26 specifically excludes third-party liability. Corrective action
133 27 includes the expenses incurred to prepare a site cleanup report
133 28 for approval by the department ~~of natural resources~~ detailing
133 29 the planned response to a release or suspected release, but not
133 30 necessarily all actions proposed to be taken by a site cleanup
133 31 report.
133 32 12. "Insurance" includes any form of financial assistance
133 33 or showing of financial responsibility sufficient to comply
133 34 with the federal Resource Conservation and Recovery Act or the
133 35 ~~Iowa department of natural resources'~~ department's underground



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134 1 storage tank financial responsibility rules.
134 2 Sec. 318. Section 455G.2, Code 2009, is amended by adding
134 3 the following new subsections:
134 4 NEW SUBSECTION. 4A. "Commission" means the environmental
134 5 protection commission created pursuant to section 455A.6.
134 6 NEW SUBSECTION. 6A. "Department" means the department of
134 7 natural resources created pursuant to section 455A.2.
134 8 Sec. 319. Section 455G.3, subsections 1, 2, and 5, Code
134 9 2009, are amended to read as follows:
134 10 1. The Iowa comprehensive petroleum underground storage
134 11 tank fund is created as a separate fund in the state treasury,
134 12 and any funds remaining in the fund at the end of each fiscal
134 13 year shall not revert to the general fund but shall remain
134 14 in the Iowa comprehensive petroleum underground storage tank
134 15 fund. Interest or other income earned by the fund shall be
134 16 deposited in the fund. The fund shall include moneys credited
134 17 to the fund under this section, section 321.145, subsection
134 18 2, paragraph "a", and sections 455G.8 and 455G.9, and section
134 19 455G.11, Code 2003, and other funds which by law may be
134 20 credited to the fund. The moneys in the fund are appropriated
134 21 to and for the purposes of the ~~board~~ department as provided
134 22 in this chapter. Amounts in the fund shall not be subject to
134 23 appropriation for any other purpose by the general assembly,
134 24 but shall be used only for the purposes set forth in this
134 25 chapter. The treasurer of state shall act as custodian of the
134 26 fund and disburse amounts contained in it as directed by the
134 27 ~~board~~ department including automatic disbursements of funds as
134 28 received pursuant to the terms of bond indentures and documents
134 29 and security provisions to trustees and custodians. The
134 30 treasurer of state is authorized to invest the funds deposited
134 31 in the fund at the direction of the ~~board~~ department and
134 32 subject to any limitations contained in any applicable bond
134 33 proceedings. The income from such investment shall be credited
134 34 to and deposited in the fund. The fund shall be administered
134 35 by the ~~board~~ department which shall make expenditures from the



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135 1 fund consistent with the purposes of the programs set out in
135 2 this chapter without further appropriation. The fund may be
135 3 divided into different accounts with different depositories as
135 4 determined by the ~~board~~ department and to fulfill the purposes
135 5 of this chapter.

135 6 2. The ~~board~~ department shall assist Iowa's owners and
135 7 operators of petroleum underground storage tanks in complying
135 8 with federal environmental protection agency technical and
135 9 financial responsibility regulations by establishment of the
135 10 Iowa comprehensive petroleum underground storage tank fund.
135 11 The authority may issue its bonds, or series of bonds, to
135 12 assist the ~~board~~ department, as provided in this chapter.

135 13 5. For purposes of payment of refunds of the environmental
135 14 protection charge under section 424.15 by the department
135 15 of revenue, the treasurer of state shall allocate to the
135 16 department of administrative services the total amount budgeted
135 17 by the ~~fund's board~~ department of natural resources for
135 18 environmental protection charge refunds. Any unused funds
135 19 shall be remitted to the treasurer of state.

135 20 Sec. 320. Section 455G.4, Code Supplement 2009, is amended
135 21 to read as follows:

135 22 455G.4 ~~Governing board~~ Duties.

135 23 1. ~~Members of the board.~~

135 24 a. ~~The Iowa comprehensive petroleum underground storage tank~~
135 25 ~~fund board is established consisting of the following members:~~

135 26 (1) ~~The director of the department of natural resources, or~~
135 27 ~~the director's designee.~~

135 28 (2) ~~The treasurer of state, or the treasurer's designee.~~

135 29 (3) ~~The commissioner of insurance, or the commissioner's~~
135 30 ~~designee.~~

135 31 (4) ~~Two public members appointed by the governor and~~
135 32 ~~confirmed by the senate to staggered four-year terms, except~~
135 33 ~~that, of the first members appointed, one public member shall~~
135 34 ~~be appointed for a term of two years and one for a term of four~~
135 35 ~~years. A public member shall have experience, knowledge, and~~



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~~136 1 expertise of the subject matter embraced within this chapter.~~

~~136 2 Two public members shall be appointed with experience in
136 3 either, or both, financial markets or insurance.~~

~~136 4 (5) Two owners or operators appointed by the governor.~~

~~136 5 One of the owners or operators appointed pursuant to this
136 6 subparagraph shall have been a petroleum systems insured
136 7 through the underground storage tank insurance fund as it
136 8 existed on June 30, 2004, or a successor to the underground
136 9 storage tank insurance fund and shall have been an insured
136 10 through the insurance account of the comprehensive petroleum
136 11 underground storage tank fund on or before October 26, 1990.
136 12 One of the owners or operators appointed pursuant to this
136 13 subparagraph shall be self-insured.~~

~~136 14 (6) The director of the legislative services agency, or
136 15 the director's designee. The director under this subparagraph
136 16 shall not participate as a voting member of the board.~~

~~136 17 b. A public member appointed pursuant to paragraph "a",
136 18 subparagraph (4), shall not have a conflict of interest. For
136 19 purposes of this section, a "conflict of interest" means an
136 20 affiliation, within the twelve months before the member's
136 21 appointment, with the regulated tank community, or with a
136 22 person or property and casualty insurer offering competitive
136 23 insurance or other means of financial assurance or which
136 24 previously offered environmental hazard insurance for a member
136 25 of the regulated tank community.~~

~~136 26 e. The filling of positions reserved for public
136 27 representatives, vacancies, membership terms, payment of
136 28 compensation and expenses, and removal of members are governed
136 29 by chapter 69. Members of the board are entitled to receive
136 30 reimbursement of actual expenses incurred in the discharge of
136 31 their duties within the limits of funds appropriated to the
136 32 board or made available to the fund. Each member of the board
136 33 may also be eligible to receive compensation as provided in
136 34 section 7E.6. The members shall elect a voting chairperson of
136 35 the board from among the members of the board.~~



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137 1 ~~2. Department cooperation with board. The director of~~
137 2 ~~the department of natural resources shall cooperate with the~~
137 3 ~~board in the implementation of this part so as to minimize~~
137 4 ~~unnecessary duplication of effort, reporting, or paperwork and~~
137 5 ~~maximize environmental protection.~~
137 6 ~~3. Rules and emergency rules.~~
137 7 ~~1. a. The board commission shall adopt rules regarding~~
137 8 ~~its practice and procedures, develop underwriting standards,~~
137 9 ~~establish procedures for investigating and settling claims made~~
137 10 ~~against the fund, and otherwise implement and administer this~~
137 11 ~~chapter.~~
137 12 ~~b. Rules necessary for the implementation and collection of~~
137 13 ~~the environmental protection charge shall be adopted.~~
137 14 ~~c. Rules to facilitate and encourage the use of community~~
137 15 ~~remediation whenever possible shall be adopted.~~
137 16 ~~d. The board commission shall adopt rules relating to~~
137 17 ~~appeal procedures which shall require ~~the administrator to~~~~
137 18 ~~deliver notice of appeal to be delivered to the affected~~
137 19 ~~parties within fifteen days of receipt of notice, require~~
137 20 ~~that the hearing be held within one hundred eighty days of~~
137 21 ~~the filing of the petition unless good cause is shown for~~
137 22 ~~the delay, and require that a final decision be issued no~~
137 23 ~~later than one hundred twenty days following the close of the~~
137 24 ~~hearing. The time restrictions in this paragraph may be waived~~
137 25 ~~by mutual agreement of the parties.~~
137 26 ~~4. Public bid.~~
137 27 ~~2. All contracts entered into by the ~~board~~ department,~~
137 28 ~~including contracts relating to community remediation, shall be~~
137 29 ~~awarded on a competitive basis to the maximum extent practical.~~
137 30 ~~In those situations where it is determined that public~~
137 31 ~~bidding is not practical, the basis for the determination of~~
137 32 ~~impracticability shall be documented by the board department or~~
137 33 ~~its designee. ~~This subsection applies only to contracts~~~~
137 34 ~~entered into on or after July 1, 1992.~~
137 35 ~~5. Contract approval.~~



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138 1 3. a. The ~~board~~ commission shall approve any contract
138 2 entered into pursuant to this chapter if the cost of the
138 3 contract exceeds seventy-five thousand dollars.
138 4 b. A listing of all contracts entered into pursuant to this
138 5 chapter shall be presented at each ~~board~~ commission meeting
138 6 and shall be made available to the public. The listing shall
138 7 state the interested parties to the contract, the amount of the
138 8 contract, and the subject matter of the contract.
138 9 c. The ~~board~~ commission shall be required to review and
138 10 approve or disapprove the ~~administrator's~~ department's failure
138 11 to approve a contract under section 455G.12A. Review by the
138 12 ~~board~~ commission shall not be required for cancellation or
138 13 replacement of a contract for a site included in a community
138 14 remediation project or when an emergency situation exists.
138 15 ~~6. Reporting.~~
138 16 4. Beginning July 2003, the ~~board~~ department shall submit
138 17 a written report quarterly to the legislative council, the
138 18 chairperson and ranking member of the committee on environment
138 19 and energy independence in the senate, and the chairperson
138 20 and ranking member of the committee on environmental
138 21 protection in the house of representatives regarding changes
138 22 in the status of the program including but not limited to
138 23 the number of open claims by claim type; the number of new
138 24 claims submitted and the eligibility status of each claim;
138 25 a summary of the risk classification of open claims; the
138 26 status of all claims at high-risk sites including the number
138 27 of corrective action design reports submitted, approved, and
138 28 implemented during the reporting period; total moneys reserved
138 29 on open claims and total moneys paid on open claims; and a
138 30 summary of budgets approved and invoices paid for high-risk
138 31 site activities including a breakdown by corrective action
138 32 design report, construction and equipment, implementation,
138 33 operation and maintenance, monitoring, over excavation, free
138 34 product recovery, site reclassification, reporting and other
138 35 expenses, or a similar breakdown. In each report submitted



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139 1 by the ~~board~~ department, the ~~board~~ department shall include
139 2 an estimated timeline to complete corrective action at all
139 3 currently eligible high-risk sites where a corrective action
139 4 design report has been submitted by a claimant and approved
139 5 during the reporting period. The timeline shall include the
139 6 projected year when a no further action designation will be
139 7 obtained based upon the corrective action activities approved
139 8 or anticipated at each claimant site. The timeline shall be
139 9 broken down in annual increments with the number or percentage
139 10 of sites projected to be completed for each time period. The
139 11 report shall identify and report steps taken to expedite
139 12 corrective action and eliminate the state's liability for open
139 13 claims.

139 14 Sec. 321. Section 455G.5, Code 2009, is amended to read as
139 15 follows:

139 16 455G.5 Independent contractors to be retained by
139 17 ~~board~~ department.

139 18 ~~The board shall administer the fund. A contract entered~~
139 19 ~~into on or after July 1, 1992, to retain a person to act as the~~
139 20 ~~administrator of the fund shall be subject to public bid. All~~
139 21 ~~other contracts to retain a person under this section shall be~~
139 22 ~~in compliance with the public bidding requirements of section~~
139 23 ~~455C.4, subsection 4.~~

139 24 The ~~board~~ department may enter into a contract or an
139 25 agreement authorized under chapter 28E with a private agency
139 26 or person, ~~the department of natural resources~~, the Iowa
139 27 finance authority, the department of administrative services,
139 28 the department of revenue, other departments, agencies, or
139 29 governmental subdivisions of this state, another state, or
139 30 the United States, in connection with its administration and
139 31 implementation of this chapter or chapter 424 or 455B.

139 32 The ~~board~~ department may reimburse a contractor, public
139 33 or private, retained pursuant to this section for expenses
139 34 incurred in the execution of a contract or agreement.
139 35 Reimbursable expenses include, by way of example, but not



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140 1 exclusion, the costs of collecting the environmental protection
140 2 charge or administering specific delegated duties or powers of
140 3 the ~~board~~ department.

140 4 Sec. 322. Section 455G.6, unnumbered paragraph 1, Code
140 5 Supplement 2009, is amended to read as follows:

140 6 In administering the fund, the ~~board~~ department has all of
140 7 the general powers reasonably necessary and convenient to carry
140 8 out its purposes and duties and may do any of the following,
140 9 subject to express limitations contained in this chapter:

140 10 Sec. 323. Section 455G.6, subsections 1, 7, 8, 12, 15, 16,
140 11 and 17, Code Supplement 2009, are amended to read as follows:

140 12 1. Guarantee secured and unsecured loans, and enter into
140 13 agreements for corrective action, acquisition and construction
140 14 of tank improvements, and provide for the insurance program.
140 15 The loan guarantees may be made to a person or entity owning
140 16 or operating a tank. The ~~board~~ department may take any action
140 17 which is reasonable and lawful to protect its security and to
140 18 avoid losses from its loan guarantees.

140 19 7. The ~~board~~ department may contract with the authority
140 20 for the authority to issue bonds and do all things necessary
140 21 with respect to the purposes of the fund, as set out in the
140 22 contract between the ~~board~~ department and the authority.
140 23 The ~~board~~ department may delegate to the authority and
140 24 the authority shall then have all of the powers of the
140 25 ~~board~~ department which are necessary to issue and secure bonds
140 26 and carry out the purposes of the fund, to the extent provided
140 27 in the contract between the ~~board~~ department and the authority.
140 28 The authority may issue the authority's bonds in principal
140 29 amounts which, in the opinion of the ~~board~~ department, are
140 30 necessary to provide sufficient funds for the fund, the payment
140 31 of interest on the bonds, the establishment of reserves to
140 32 secure the bonds, the costs of issuance of the bonds, other
140 33 expenditures of the authority incident to and necessary or
140 34 convenient to carry out the bond issue for the fund, and
140 35 all other expenditures of the ~~board~~ department necessary or



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141 1 convenient to administer the fund. The bonds are investment
141 2 securities and negotiable instruments within the meaning of and
141 3 for purposes of the uniform commercial code, chapter 554.
141 4 8. Bonds issued under this section are payable solely
141 5 and only out of the moneys, assets, or revenues of the fund,
141 6 all of which may be deposited with trustees or depositories
141 7 in accordance with bond or security documents and pledged
141 8 by the ~~board~~ department to the payment thereof, and are not
141 9 an indebtedness of this state or the authority, or a charge
141 10 against the general credit or general fund of the state or the
141 11 authority, and the state shall not be liable for any financial
141 12 undertakings with respect to the fund. Bonds issued under
141 13 this chapter shall contain on their face a statement that the
141 14 bonds do not constitute an indebtedness of the state or the
141 15 authority.
141 16 12. Bonds must be authorized by a trust indenture,
141 17 resolution, or other instrument of the authority, approved by
141 18 the ~~board~~ department. However, a trust indenture, resolution,
141 19 or other instrument authorizing the issuance of bonds may
141 20 delegate to an officer of the issuer the power to negotiate and
141 21 fix the details of an issue of bonds.
141 22 15. a. Subject to the terms of any bond documents, moneys
141 23 in the fund or fund accounts may be expended for administration
141 24 expenses, civil penalties, moneys paid under an agreement,
141 25 stipulation, or settlement, for the costs associated with sites
141 26 within a community remediation project, for costs related to
141 27 contracts entered into with a state agency or university, costs
141 28 for activities relating to litigation, or for the costs of any
141 29 other activities as the ~~board~~ department may determine are
141 30 necessary and convenient to facilitate compliance with and to
141 31 implement the intent of federal laws and regulations and this
141 32 chapter. ~~For purposes of this chapter, administration expenses~~
141 33 ~~include expenses incurred by the underground storage tank~~
141 34 ~~section of the department of natural resources in relation to~~
141 35 ~~tanks regulated under this chapter.~~



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142 1 b. The authority granted under this subsection which allows
142 2 the ~~board~~ department to expend fund moneys on an activity
142 3 the ~~board~~ department determines is necessary and convenient
142 4 to facilitate compliance with and to implement the intent of
142 5 federal laws and regulations and this chapter, shall only be
142 6 used in accordance with the following:

142 7 (1) Prior ~~board~~ department approval shall be required
142 8 before expenditure of moneys pursuant to this authority shall
142 9 be made.

142 10 (2) If the expenditure of fund moneys pursuant to this
142 11 authority would result in the ~~board~~ department establishing
142 12 a policy which would substantially affect the operation
142 13 of the program, rules shall be adopted by the
142 14 commission pursuant to chapter 17A prior to the ~~board~~
142 15 ~~or the administrator~~ department taking any action pursuant to
142 16 this proposed policy.

142 17 16. The ~~board shall cooperate with the~~ department of
142 18 ~~natural resources~~, in the implementation and administration
142 19 of this chapter ~~to~~, shall assure that in combination with
142 20 existing state statutes and rules governing underground storage
142 21 tanks, the state will be, and continue to be, recognized by
142 22 the federal government as having an "approved state account"
142 23 under the federal Resource Conservation and Recovery Act,
142 24 especially by compliance with the Act's subtitle I financial
142 25 responsibility requirements as enacted in the federal Superfund
142 26 Amendments and Reauthorization Act of 1986 and the financial
142 27 responsibility regulations adopted by the United States
142 28 environmental protection agency at 40 C.F.R. pts.280 and 281.
142 29 Whenever possible this chapter shall be interpreted to further
142 30 the purposes of, and to comply, and not to conflict, with such
142 31 federal requirements.

142 32 17. The ~~board~~ commission may adopt rules pursuant to
142 33 chapter 17A providing for the transfer of all or a portion
142 34 of the liabilities of the ~~board~~ department under this
142 35 chapter. Notwithstanding other provisions to the contrary,



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143 1 the ~~board~~ department, upon such transfer, shall not maintain
143 2 any duty to reimburse claimants under this chapter for those
143 3 liabilities transferred.

143 4 Sec. 324. Section 455G.7, subsection 1, unnumbered
143 5 paragraph 1, Code Supplement 2009, is amended to read as
143 6 follows:

143 7 For the purpose of securing one or more issues of bonds
143 8 for the fund, the authority, with the approval of the
143 9 ~~board~~ department, may authorize the establishment of one
143 10 or more special funds, called "capital reserve funds". The
143 11 authority may pay into the capital reserve funds the proceeds
143 12 of the sale of its bonds and other money which may be made
143 13 available to the authority from other sources for the purposes
143 14 of the capital reserve funds. Except as provided in this
143 15 section, money in a capital reserve fund shall be used only as
143 16 required for any of the following:

143 17 Sec. 325. Section 455G.8, unnumbered paragraph 1, Code
143 18 2009, is amended to read as follows:

143 19 Revenue for the fund shall include, but is not limited
143 20 to, the following, which shall be deposited with the
143 21 ~~board~~ department or its designee as provided by any bond or
143 22 security documents and credited to the fund:

143 23 Sec. 326. Section 455G.8, subsection 2, Code 2009, is
143 24 amended to read as follows:

143 25 2. Statutory allocations fund. The moneys credited from the
143 26 statutory allocations fund under section 321.145, subsection
143 27 2, paragraph "a", shall be allocated, consistent with this
143 28 chapter, among the fund's accounts, for debt service and other
143 29 fund expenses, according to the fund budget, resolution,
143 30 trust agreement, or other instrument prepared or entered into
143 31 by the ~~board~~ department or authority under direction of the
143 32 ~~board~~ department.

143 33 Sec. 327. Section 455G.9, subsection 1, paragraph a,
143 34 subparagraph (1), unnumbered paragraph 1, Code 2009, is amended
143 35 to read as follows:



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144 1 Corrective action for an eligible release reported to the
144 2 department ~~of natural resources~~ on or after July 1, 1987, but
144 3 prior to May 5, 1989. Third-party liability is specifically
144 4 excluded from remedial account coverage. For a claim for a
144 5 release under this subparagraph, the remedial program shall pay
144 6 in accordance with subsection 4. For a release to be eligible
144 7 for coverage under this subparagraph the following conditions
144 8 must be satisfied:

144 9 Sec. 328. Section 455G.9, subsection 1, paragraph a,
144 10 subparagraph (1), subparagraph division (c), Code 2009, is
144 11 amended to read as follows:

144 12 (c) The claim for coverage pursuant to this subparagraph
144 13 must have been filed with the ~~board~~ department prior to January
144 14 31, 1990, except that cities and counties must have filed their
144 15 claim ~~with the board~~ by September 1, 1990.

144 16 Sec. 329. Section 455G.9, subsection 1, paragraph a,
144 17 subparagraph (1), subparagraph division (d), Code 2009, is
144 18 amended to read as follows:

144 19 (d) The owner or operator at the time the release was
144 20 reported to the department ~~of natural resources~~ must have been
144 21 in compliance with then current monitoring requirements, if
144 22 any, or must have been in the process of compliance efforts
144 23 with anticipated requirements, including installation of
144 24 monitoring devices, a new tank, tank improvements or retrofit,
144 25 or any combination.

144 26 Sec. 330. Section 455G.9, subsection 1, paragraph a,
144 27 subparagraph (2), Code 2009, is amended to read as follows:

144 28 (2) Corrective action, up to one million dollars total,
144 29 and subject to prioritization rules as established pursuant to
144 30 section 455G.12A, for a release reported to the department ~~of~~
144 31 ~~natural resources~~ after May 5, 1989, and on or before October
144 32 26, 1990. Third-party liability is specifically excluded
144 33 from remedial account coverage. Corrective action coverage
144 34 provided pursuant to this paragraph may be aggregated with
144 35 other financial assurance mechanisms as permitted by federal



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145 1 law to satisfy required aggregate and per occurrence limits
145 2 of financial responsibility for both corrective action and
145 3 third-party liability, if the owner's or operator's effective
145 4 financial responsibility compliance date is prior to October
145 5 26, 1990. School districts who reported a release to the
145 6 department of ~~natural resources~~ prior to December 1, 1990,
145 7 shall have until July 1, 1991, to report a claim ~~to the~~
145 8 ~~board~~ for remedial coverage under this subparagraph.
145 9 Sec. 331. Section 455G.9, subsection 1, paragraph a,
145 10 subparagraph (3), unnumbered paragraph 1, Code 2009, is amended
145 11 to read as follows:
145 12 Corrective action for an eligible release reported to
145 13 the department of ~~natural resources~~ on or after January 1,
145 14 1984, but prior to July 1, 1987. Third-party liability is
145 15 specifically excluded from remedial account coverage. For
145 16 a claim for a release under this subparagraph, the remedial
145 17 program shall pay in accordance with subsection 4. For a
145 18 release to be eligible for coverage under this subparagraph the
145 19 following conditions must be satisfied:
145 20 Sec. 332. Section 455G.9, subsection 1, paragraph a,
145 21 subparagraph (3), subparagraph division (d), Code 2009, is
145 22 amended to read as follows:
145 23 (d) The claim for coverage pursuant to this subparagraph
145 24 must have been filed ~~with the board~~ prior to September 1, 1990.
145 25 Sec. 333. Section 455G.9, subsection 1, paragraph a,
145 26 subparagraph (3), subparagraph division (e), Code 2009, is
145 27 amended to read as follows:
145 28 (e) The owner or operator at the time the release was
145 29 reported to the department of ~~natural resources~~ must have been
145 30 in compliance with then current monitoring requirements, if
145 31 any, or must have been in the process of compliance efforts
145 32 with anticipated requirements, including installation of
145 33 monitoring devices, a new tank, tank improvements or retrofit,
145 34 or any combination.



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146 1 Sec. 334. Section 455G.9, subsection 1, paragraph a,
146 2 subparagraph (4), Code 2009, is amended to read as follows:
146 3 (4) One hundred percent of the costs of corrective
146 4 action for a release reported to the department of ~~natural~~
146 5 ~~resources~~ on or before July 1, 1991, if the owner or operator
146 6 is not a governmental entity and is a not-for-profit
146 7 organization exempt from federal income taxation under section
146 8 501(c)(3) of the Internal Revenue Code with a net annual income
146 9 of twenty-five thousand dollars or less for the year 1990, and
146 10 if the tank which is the subject of the corrective action is a
146 11 registered tank and is under one thousand one hundred gallons
146 12 capacity.

146 13 Sec. 335. Section 455G.9, subsection 1, paragraphs b, c, e,
146 14 and f, Code 2009, are amended to read as follows:
146 15 b. Corrective action and third-party liability for a
146 16 release discovered on or after January 24, 1989, for which a
146 17 responsible owner or operator able to pay cannot be found and
146 18 for which the federal underground storage tank trust fund or
146 19 other federal moneys do not provide coverage. For the purposes
146 20 of this section property shall not be deeded or quitclaimed
146 21 to the state or ~~board~~ department in lieu of cleanup.
146 22 Additionally, the ability to pay shall be determined after a
146 23 claim has been filed. The ~~board~~ department is not liable for
146 24 any cost where either the responsible owner or operator, or
146 25 both, have a net worth greater than fifteen thousand dollars,
146 26 or where the responsible party can be determined. Third-party
146 27 liability specifically excludes any claim, cause of action,
146 28 or suit, for personal injury including, but not limited
146 29 to, loss of use or of private enjoyment, mental anguish,
146 30 false imprisonment, wrongful entry or eviction, humiliation,
146 31 discrimination, or malicious prosecution.

146 32 c. Corrective action and third-party liability for a tank
146 33 owned or operated by a financial institution eligible to
146 34 participate in the remedial account under section 455G.16 if
146 35 the prior owner or operator is unable to pay, if so authorized



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147 1 by the ~~board~~ department as part of a condition or incentive
147 2 for financial institution participation in the fund pursuant
147 3 to section 455G.16. Third-party liability specifically
147 4 excludes any claim, cause of action, or suit, for personal
147 5 injury including, but not limited to, loss of use or of
147 6 private enjoyment, mental anguish, false imprisonment, wrongful
147 7 entry or eviction, humiliation, discrimination, or malicious
147 8 prosecution.
147 9 e. Corrective action for a release reported to the
147 10 department ~~of natural resources~~ after May 5, 1989, and on
147 11 or before October 26, 1990, in connection with a tank owned
147 12 or operated by a state agency or department which elects to
147 13 participate in the remedial account pursuant to this paragraph.
147 14 A state agency or department which does not receive a standing
147 15 unlimited appropriation which may be used to pay for the
147 16 costs of a corrective action may opt, with the approval of
147 17 the ~~board~~ department, to participate in the remedial account.
147 18 As a condition of opting to participate in the remedial
147 19 account, the agency or department shall pay all registration
147 20 fees, storage tank management fees, environmental protection
147 21 charges, and all other charges and fees upon all tanks owned
147 22 or operated by the agency or department in the same manner
147 23 as if the agency or department were a person required to
147 24 maintain financial responsibility. Once an agency has opted
147 25 to participate in the remedial program, it cannot opt out,
147 26 and shall continue to pay all charges and fees upon all tanks
147 27 owned or operated by the agency or department so long as the
147 28 charges or fees are imposed on similarly situated tanks of a
147 29 person required to maintain financial responsibility. The
147 30 ~~board~~ commission shall by rule adopted pursuant to chapter
147 31 17A provide the terms and conditions for a state agency or
147 32 department to opt to participate in the remedial account. A
147 33 state agency or department which opts to participate in the
147 34 remedial account shall be subject to the minimum copayment
147 35 schedule of subsection 4, as if the state agency or department



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148 1 were a person required to maintain financial responsibility.
148 2 f. One hundred percent of the costs up to twenty thousand
148 3 dollars incurred by the ~~board~~ department under section
148 4 455G.12A, subsection 2, unnumbered paragraph 2, for site
148 5 cleanup reports. Costs of a site cleanup report which
148 6 exceed twenty thousand dollars shall be considered a cost of
148 7 corrective action and the amount shall be included in the
148 8 calculations for corrective action cost copayments under
148 9 subsection 4. The ~~board~~ department shall have the discretion
148 10 to authorize a site cleanup report payment in excess of twenty
148 11 thousand dollars if the site is participating in community
148 12 remediation.
148 13 Sec. 336. Section 455G.9, subsection 1, paragraph g,
148 14 subparagraph (4), Code 2009, is amended to read as follows:
148 15 (4) The release was reported ~~to the board~~ by October 26,
148 16 1991.
148 17 Sec. 337. Section 455G.9, subsection 1, paragraphs i, k, and
148 18 l, Code 2009, are amended to read as follows:
148 19 i. Notwithstanding section 455G.1, subsection 2, corrective
148 20 action, for a release which was tested prior to October 26,
148 21 1990, and for which the site was issued a no=further=action
148 22 letter by the department ~~of natural resources~~ and which was
148 23 later determined, due to sale of the property or removal of a
148 24 nonoperating tank, to require remediation which was reported
148 25 ~~to the administrator~~ by October 26, 1992, in an amount as
148 26 specified in subsection 4. In order to qualify for benefits
148 27 under this paragraph, the applicant must not have operated a
148 28 tank on the property during the period of time for which the
148 29 applicant owned the property and the applicant must not be a
148 30 financial institution.
148 31 k. ~~Pursuant to an agreement between the board and the~~
148 32 ~~department of natural resources, assessment~~ Assessment and
148 33 corrective action arising out of releases at sites for which
148 34 a no further action certificate has been issued pursuant to
148 35 section 455B.474, when the department determines that an



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149 1 unreasonable risk to public health and safety may still exist.
149 2 ~~At a minimum, the agreement shall address eligible costs,~~
149 3 ~~contracting for services, and conditions under which sites may~~
149 4 ~~be reevaluated.~~
149 5 1. Costs for the permanent closure of an underground storage
149 6 tank system that was in place on the date an eligible claim
149 7 was submitted under paragraph "a". Reimbursement is limited
149 8 to costs approved by the ~~board~~ department prior to the closure
149 9 activities.
149 10 Sec. 338. Section 455G.9, subsections 2, 3, 5, 7, and 10,
149 11 Code 2009, are amended to read as follows:
149 12 2. Remedial account funding. The remedial account
149 13 shall be funded by that portion of the proceeds of the use
149 14 tax imposed under chapter 423, subchapter III, and other
149 15 moneys and revenues budgeted to the remedial account by the
149 16 ~~board~~ department.
149 17 3. Trust fund to be established. When the remedial account
149 18 has accumulated sufficient capital to provide dependable
149 19 income to cover the expenses of expected future releases or
149 20 expected future losses for which no responsible owner is
149 21 available, the excess capital shall be transferred to a trust
149 22 fund administered by the ~~board~~ department and created for that
149 23 purpose.
149 24 5. Recovery of gain on sale of property. If an owner
149 25 or operator ceases to own or operate a tank site for which
149 26 remedial account benefits were received within ten years of
149 27 the receipt of any account benefit and sells or transfers a
149 28 property interest in the tank site for an amount which exceeds
149 29 one hundred twenty percent of the precorrective action value,
149 30 adjusted for equipment and capital improvements, the owner or
149 31 operator shall refund to the remedial account an amount equal
149 32 to ninety percent of the amount in excess of one hundred twenty
149 33 percent of the precorrective action value up to a maximum of
149 34 the expenses incurred by the remedial account associated with
149 35 the tank site plus interest, equal to the interest for the



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150 1 most recent twelve-month period for the most recent bond issue
150 2 for the fund, on the expenses incurred, compounded annually.
150 3 An owner or operator under this subsection shall notify the
150 4 ~~board~~ department of the sale or transfer of the property
150 5 interest in the tank site. Expenses incurred by the fund are a
150 6 lien upon the property recordable and collectible in the same
150 7 manner as the lien provided for in section 424.11 at the time
150 8 of sale or transfer, subject to the terms of this section.
150 9 This subsection shall not apply if the sale or transfer
150 10 is pursuant to a power of eminent domain, or benefits. When
150 11 federal cleanup funds are recovered, the funds are to be
150 12 deposited to the remedial account of the fund and used solely
150 13 for the purpose of future cleanup activities.
150 14 7. Expenses of cleanup not required. When an owner or
150 15 operator who is eligible for benefits under this chapter is
150 16 allowed by the department ~~of natural resources~~ to monitor in
150 17 place, the expenses incurred for cleanup beyond the level
150 18 required by the department ~~of natural resources~~ are not covered
150 19 under any of the accounts established under the fund. The
150 20 cleanup expenses incurred for work completed beyond what is
150 21 required is the responsibility of the person contracting for
150 22 the excess cleanup.
150 23 10. Expenses incurred by governmental subdivisions. The
150 24 ~~board~~ commission may adopt rules for reimbursement for
150 25 reasonable expenses incurred by a governmental subdivision
150 26 for treating, handling, or disposing, as required by the
150 27 department, of petroleum-contaminated soil and groundwater
150 28 encountered in a public right-of-way during installation,
150 29 maintenance, or repair of a public improvement. The
150 30 ~~board~~ department may seek full recovery from a responsible
150 31 party liable for the release for such expenses and for
150 32 all other costs and reasonable attorney fees and costs of
150 33 litigation for which moneys are expended by the fund. Any
150 34 expense described in this subsection incurred by the fund
150 35 constitutes a lien upon the property from which the release



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151 1 occurred. A lien shall be recorded and an expense shall be
151 2 collected in the same manner as provided in section 424.11.
151 3 Sec. 339. Section 455G.12, Code 2009, is amended to read as
151 4 follows:
151 5 455G.12 ~~Board~~ Commission authority for prioritization.
151 6 If the ~~board~~ commission determines that, within the realm
151 7 of sound business judgment and practice, prioritization of
151 8 assistance is necessary in light of funds available for loan
151 9 guarantees or insurance coverage, the ~~board~~ commission may
151 10 develop rules for assistance or coverage prioritization based
151 11 upon adherence or planned adherence of the owner or operator
151 12 to higher than minimum environmental protection and safety
151 13 compliance considerations.
151 14 Prior to the adoption of prioritization rules, the
151 15 ~~board~~ commission shall at minimum review the following issues:
151 16 1. The positive environmental impact of assistance
151 17 prioritization.
151 18 2. The economic feasibility, including the availability of
151 19 private financing, for an owner or operator to obtain priority
151 20 status.
151 21 3. Any negative impact on Iowa's rural petroleum
151 22 distribution network which could result from prioritization.
151 23 4. Any similar prioritization systems in use by the private
151 24 financing or insurance markets in this state, including terms,
151 25 conditions, or exclusions.
151 26 5. The intent of this chapter that the ~~board~~ commission
151 27 shall maximize the availability of reasonably priced,
151 28 financially sound insurance coverage or loan guarantee
151 29 assistance.
151 30 Sec. 340. Section 455G.12A, Code 2009, is amended to read
151 31 as follows:
151 32 455G.12A Cost containment authority.
151 33 1. Validity of contracts. A contract in which one of the
151 34 parties to the contract is an owner or operator of a petroleum
151 35 underground storage tank, for goods or services which may be



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152 1 payable or reimbursable from the fund, is invalid unless and
152 2 until the ~~administrator~~ department has approved the contract
152 3 as fair and equitable to the tank owner or operator, and found
152 4 that the contract terms are within the range of usual and
152 5 customary rates for similar or equivalent goods or services
152 6 within the state, and found that the goods or services are
152 7 necessary for the owner or operator to comply with fund or
152 8 regulatory standards. An owner or operator may appoint the
152 9 ~~administrator~~ department as an agent for the purposes of
152 10 negotiating contracts with suppliers of goods or services
152 11 compensable by the fund. The ~~administrator~~ department may
152 12 select another contractor for goods or services other than
152 13 the one offered by the owner or operator, if the scope of the
152 14 proposed work or actual work of the offered contractor does not
152 15 reflect the quality of workmanship required, or the costs are
152 16 determined to be excessive.

152 17 2. Contract approval. In the course of review and
152 18 approval of a contract pursuant to this section, the
152 19 ~~administrator~~ department may require an owner or operator
152 20 to obtain and submit three bids, provided that the
152 21 ~~administrator~~ department coordinates bid submission with the
152 22 department. The ~~administrator~~ department may require specific
152 23 terms and conditions in a contract subject to approval.

152 24 The ~~board~~ department shall have authority to contract for
152 25 site cleanup reports. The ~~board's~~ department's responsibility
152 26 for site cleanup reports is limited to those site cleanup
152 27 reports subject to approval by the department ~~of natural~~
152 28 ~~resources~~ and required in connection with the remediation of a
152 29 release which is eligible for benefits under section 455G.9.
152 30 The site cleanup report shall address existing and available
152 31 remedial technologies and the costs associated with the use
152 32 of each technology. The ~~board~~ department shall not have the
152 33 authority to affect a contract which has been given written
152 34 approval under this section.

152 35 3. Exclusive contracts. The ~~administrator~~ department may



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153 1 enter into a contract or an exclusive contract with the
153 2 supplier of goods or services required by a class of tank
153 3 owners or operators in connection with an expense payable or
153 4 reimbursable from the fund, to supply a specified good or
153 5 service for a gross maximum price, fixed rate, on an exclusive
153 6 basis, or subject to another contract term or condition
153 7 reasonably calculated to obtain goods or services for the
153 8 fund or for tank owners and operators at a reasonable cost.
153 9 A contract may provide for direct payment from the fund to a
153 10 supplier.

153 11 The ~~administrator~~ department may retain, ~~subject to board~~
~~153 12 approval~~, an independent person to assist in the review of work
153 13 required in connection with a release or tank system for which
153 14 fund benefits are sought, and to establish prevailing cost of
153 15 goods and services needed. Nothing in this section is intended
153 16 to preempt the regulatory authority of the department.

153 17 4. Prior approval by ~~administrator~~ department. Unless
153 18 emergency conditions exist, a contractor performing services
153 19 pursuant to this section shall have the budget for the
153 20 work approved by the ~~administrator~~ department prior to
153 21 commencement of the work. No expense incurred which
153 22 is above the budgeted amount shall be paid unless the
153 23 ~~administrator~~ department approves such expense prior to its
153 24 being incurred. All invoices or bills shall be submitted
153 25 with appropriate documentation as deemed necessary by the
153 26 ~~board~~ department, no later than thirty days after the work has
153 27 been performed. Neither the ~~board~~ department nor an owner or
153 28 operator is responsible for payment for work incurred which has
153 29 not been previously approved by the ~~board~~ department.

153 30 Sec. 341. Section 455G.13, subsection 1, Code 2009, is
153 31 amended to read as follows:

153 32 1. Full recovery sought from owner. The ~~board~~ department
153 33 shall seek full recovery from the owner, operator, or other
153 34 potentially responsible party liable for the released petroleum
153 35 which is the subject of a corrective action, for which the fund



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154 1 expends moneys for corrective action or third-party liability,
154 2 and for all other costs, including reasonable attorney fees and
154 3 costs of litigation for which moneys are expended by the fund
154 4 in connection with the release. When federal cleanup funds
154 5 are recovered, the funds are to be deposited to the remedial
154 6 account of the fund and used solely for the purpose of future
154 7 cleanup activities.

154 8 Sec. 342. Section 455G.13, subsection 2, paragraph a, Code
154 9 2009, is amended to read as follows:

154 10 a. The ~~board or the~~ department of ~~natural resources~~ shall
154 11 not seek recovery for expenses in connection with corrective
154 12 action for a release from an owner or operator eligible for
154 13 assistance under the remedial account except for any unpaid
154 14 portion of the deductible or copayment. This section does
154 15 not affect any authorization of the department of ~~natural~~
154 16 ~~resources~~ to impose or collect civil or administrative fines
154 17 or penalties or fees. The remedial account shall not be held
154 18 liable for any third-party liability.

154 19 Sec. 343. Section 455G.13, subsection 3, Code 2009, is
154 20 amended to read as follows:

154 21 3. Owner or operator not in compliance, subject to full
154 22 and total cost recovery. Notwithstanding subsection 2, the
154 23 liability of an owner or operator shall be the full and total
154 24 costs of corrective action and bodily injury or property damage
154 25 to third parties, as specified in subsection 1, if the owner
154 26 or operator has not complied with the financial responsibility
154 27 or other underground storage tank ~~rules requirements of the~~
154 28 ~~department of natural resources or with this chapter and rules~~
154 29 adopted under this chapter.

154 30 Sec. 344. Section 455G.13, subsection 4, paragraph a, Code
154 31 2009, is amended to read as follows:

154 32 a. Failed, without sufficient cause, to respond to a release
154 33 of petroleum from the tank upon, or in accordance with, a
154 34 notice issued by the director of the department of ~~natural~~
154 35 ~~resources~~.



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155 1 Sec. 345. Section 455G.13, subsections 5, 6, 8, 9, 10, and
155 2 12, Code 2009, are amended to read as follows:

155 3 5. Lien on tank site. Any amount for which an owner or
155 4 operator is liable to the fund, if not paid when due, by
155 5 statute, rule, or contract, or determination of liability by
155 6 the ~~board or department of natural resources~~ after hearing,
155 7 shall constitute a lien upon the real property where the tank,
155 8 which was the subject of corrective action, is situated, and
155 9 the liability shall be collected in the same manner as the
155 10 environmental protection charge pursuant to section 424.11.

155 11 6. Joinder of parties. The department ~~of natural~~
155 12 ~~resources~~ has standing in any case or contested action related
155 13 to the fund or a tank to assert any claim that the department
155 14 may have regarding the tank at issue in the case or contested
155 15 action, upon motion and sufficient showing by a party to a cost
155 16 recovery or subrogation action provided for under this section,
155 17 the court or the administrative law judge shall join to the
155 18 action any potentially responsible party who may be liable for
155 19 costs and expenditures of the type recoverable pursuant to this
155 20 section.

155 21 8. Third-party contracts not binding on ~~board~~ department,
155 22 proceedings against responsible party. An insurance,
155 23 indemnification, hold harmless, conveyance, or similar
155 24 risk-sharing or risk-shifting agreement shall not be effective
155 25 to transfer any liability for costs recoverable under
155 26 this section. The fund, ~~board~~, or department ~~of natural~~
155 27 ~~resources~~ may proceed directly against the owner or operator or
155 28 other allegedly responsible party. This section does not bar
155 29 any agreement to insure, hold harmless, or indemnify a party to
155 30 the agreement for any costs or expenditures under this chapter,
155 31 and does not modify rights between the parties to an agreement,
155 32 except to the extent the agreement shifts liability to an
155 33 owner or operator eligible for assistance under the remedial
155 34 account for any damages or other expenses in connection with
155 35 a corrective action for which another potentially responsible



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156 1 party is or may be liable. Any such provision is null and void
156 2 and of no force or effect.

156 3 9. Later proceedings permitted against other parties. The
156 4 entry of judgment against a party to the action does not bar
156 5 a future action by the ~~board or the~~ department of ~~natural~~
156 6 ~~resources~~ against another person who is later alleged to be
156 7 or discovered to be liable for costs and expenditures paid by
156 8 the fund. Notwithstanding section 668.5 no other potentially
156 9 responsible party may seek contribution or any other recovery
156 10 from an owner or operator eligible for assistance under the
156 11 remedial account for damages or other expenses in connection
156 12 with corrective action for a release for which the potentially
156 13 responsible party is or may be liable. Subsequent successful
156 14 proceedings against another party shall not modify or reduce
156 15 the liability of a party against whom judgment has been
156 16 previously entered.

156 17 10. Claims against potentially responsible parties. Upon
156 18 payment by the fund for corrective action or third-party
156 19 liability pursuant to this chapter, the rights of the claimant
156 20 to recover payment from any potentially responsible party, are
156 21 assumed by the ~~board~~ department to the extent paid by the fund.
156 22 A claimant is precluded from receiving double compensation for
156 23 the same injury.

156 24 In an action brought pursuant to this chapter seeking
156 25 damages for corrective action or third-party liability, the
156 26 court shall permit evidence and argument as to the replacement
156 27 or indemnification of actual economic losses incurred or to be
156 28 incurred in the future by the claimant by reason of insurance
156 29 benefits, governmental benefits or programs, or from any other
156 30 source.

156 31 A claimant may elect to permit the ~~board~~ department to pursue
156 32 the claimant's cause of action for any injury not compensated
156 33 by the fund against any potentially responsible party, provided
156 34 the attorney general determines such representation would
156 35 not be a conflict of interest. If a claimant so elects, the



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157 1 ~~board's~~ department's litigation expenses shall be shared on a
157 2 pro rata basis with the claimant, but the claimant's share of
157 3 litigation expenses is payable exclusively from any share of
157 4 the settlement or judgment payable to the claimant.

157 5 12. Recovery or subrogation == installers and
157 6 inspectors. Notwithstanding any other provision contained in
157 7 this chapter, the ~~board~~ department or a person insured under
157 8 the underground storage tank insurance fund established in
157 9 section 455G.11, Code 2003, has no right of recovery or right
157 10 of subrogation against an installer or an inspector who was
157 11 insured by the underground storage tank insurance fund for the
157 12 tank giving rise to the liability other than for recovery of
157 13 any deductibles paid.

157 14 Sec. 346. Section 455G.16, unnumbered paragraph 1, Code
157 15 2009, is amended to read as follows:

157 16 The ~~board~~ department may impose conditions on the
157 17 participation of a financial institution in the fund.
157 18 Conditions shall be reasonably intended to increase the
157 19 quantity of private capital available for loans to tank owners
157 20 or operators who are small businesses within the meaning of
157 21 section 455G.2. Additionally, the ~~board~~ department may offer
157 22 incentives to financial institutions meeting conditions imposed
157 23 by the ~~board~~ department. Incentives may include extended
157 24 fund coverage of corrective action or third-party liability
157 25 expenses, waiver of copayment or deductible requirements, or
157 26 other benefits not offered to other participants, if reasonably
157 27 intended to increase the quantity of private capital available
157 28 for loans by an amount greater than the increased costs of the
157 29 incentives to the fund.

157 30 Sec. 347. Section 455G.20, Code 2009, is amended to read as
157 31 follows:

157 32 455G.20 Final approval.

157 33 Notwithstanding any other provision to the contrary, the
157 34 department of ~~natural resources~~ shall have final approval for a
157 35 determination as to when remediation shall begin on a site.



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158 1 Sec. 348. Section 455G.21, subsection 1, Code 2009, is
158 2 amended to read as follows:

158 3 1. A marketability fund is created as a separate fund in
158 4 the state treasury under the control of the ~~board~~ department.
158 5 The ~~board~~ department shall administer the marketability
158 6 fund. Notwithstanding section 8.33, moneys remaining in
158 7 the marketability fund at the end of each fiscal year shall
158 8 not revert to the general fund but shall remain in the
158 9 marketability fund. The marketability fund shall include,
158 10 notwithstanding section 12C.7, interest earned by the
158 11 marketability fund or other income specifically allocated to
158 12 the marketability fund.

158 13 Sec. 349. Section 455G.21, subsection 2, paragraph a, Code
158 14 2009, is amended to read as follows:

158 15 a. The innocent landowners fund shall be established as a
158 16 separate fund in the state treasury under the control of the
158 17 ~~board~~ department. The innocent landowners fund shall include
158 18 any moneys recovered pursuant to cost recovery enforcement
158 19 under section 455G.13. Notwithstanding section 455G.1,
158 20 subsection 2, benefits for the costs of corrective action may
158 21 be provided to the owner of a petroleum-contaminated property,
158 22 or an owner or operator of an underground storage tank located
158 23 on the property, who is not otherwise eligible to receive
158 24 benefits under section 455G.9 due to the date on which the
158 25 release causing the contamination was reported or the date
158 26 the claim was filed. An owner of a petroleum-contaminated
158 27 property, or an owner or operator of an underground storage
158 28 tank located on the property, shall be eligible for payment
158 29 of corrective action costs subject to copayment requirements
158 30 under section 455G.9, subsection 4. The ~~board~~ commission may
158 31 adopt rules conditioning receipt of benefits under this
158 32 paragraph to those petroleum-contaminated properties which
158 33 present a higher degree of risk to the public health and
158 34 safety or the environment and may adopt rules providing for
158 35 denial of benefits under this paragraph to a person who did



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159 1 not make a good faith attempt to comply with the provisions of
159 2 this chapter. This paragraph does not confer a legal right
159 3 to an owner of petroleum-contaminated property, or an owner
159 4 or operator of an underground storage tank located on the
159 5 property, for receipt of benefits under this paragraph.

159 6 Sec. 350. TRANSITION PROVISIONS.

159 7 1. This division of this Act and the transfer of
159 8 administrative duties to the department of natural resources
159 9 shall not constitute grounds for rescision or modification
159 10 of any contracts entered into by or on behalf of the Iowa
159 11 comprehensive petroleum underground storage tank fund board.

159 12 2. Any rule, regulation, form, order, or directive
159 13 promulgated by the Iowa comprehensive petroleum underground
159 14 storage tank fund board and in effect on the effective date
159 15 of this division of this Act shall continue in full force and
159 16 effect until amended, repealed, or supplemented by affirmative
159 17 action of the environmental protection commission under the
159 18 duties and powers of the commission as established in this
159 19 division of this Act and under the procedure established in
159 20 subsection 3.

159 21 Any license or permit issued by Iowa comprehensive petroleum
159 22 underground storage tank fund board and in effect on the
159 23 effective date of this division of this Act shall continue in
159 24 full force and effect until expiration or renewal.

159 25 3. In regard to updating references and format in the Iowa
159 26 administrative code in order to correspond to the restructuring
159 27 as established in this division of this Act, the administrative
159 28 rules coordinator and the administrative rules review
159 29 committee, in consultation with the administrative code editor,
159 30 shall jointly develop a schedule for the necessary updating of
159 31 the Iowa administrative code.

159 32 4. Any cause of action or statute of limitation relating
159 33 to the Iowa comprehensive petroleum underground storage tank
159 34 fund board shall not be affected as a result of the transfer
159 35 and such cause or statute of limitation shall apply to the



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160 1 successor department or commission.

160 2 5. Any replacement of signs, logos, stationery, insignia,
160 3 uniforms, and related items that is made due to the effect of
160 4 this division of this Act should be done as part of the normal
160 5 replacement cycle for such items.

160 6 DIVISION XXII

160 7 ECONOMIC DEVELOPMENT == COMMITTEES AND COUNCILS

160 8 Sec. 351. Section 15.108, subsection 7, paragraph h, Code
160 9 2009, is amended by striking the paragraph.

160 10 Sec. 352. Section 15G.115, subsections 2 and 3, Code
160 11 Supplement 2009, are amended to read as follows:

160 12 2. a. Each application from a business for financial
160 13 assistance under the grow Iowa values financial assistance
160 14 program shall be reviewed by the due diligence committee
160 15 established by the board pursuant to section 15.103, subsection
160 16 6. The due diligence committee shall make a recommendation on
160 17 each application to the board.

160 18 ~~b. Each application from a business for financial assistance~~
160 19 ~~under the value-added agriculture component of the grow Iowa~~
160 20 ~~values financial assistance program shall be reviewed by the~~
160 21 ~~agricultural products advisory council established in section~~
160 22 ~~15.203, which shall make a recommendation on each application~~
160 23 ~~to the board.~~

160 24 e. b. Each application for financial assistance from funds
160 25 allocated by the department for deposit in the innovation
160 26 and commercialization development fund pursuant to section
160 27 15G.111, subsection 10, shall be reviewed by the technology
160 28 commercialization committee established in section 15.116,
160 29 which shall make a recommendation on each application to the
160 30 board.

160 31 3. In overseeing the administration of the grow Iowa values
160 32 fund and grow Iowa values financial assistance program pursuant
160 33 to this chapter, the board shall do all of the following:

160 34 a. At the first scheduled meeting of the board after the
160 35 start of a new fiscal year, take final action on all of the



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161 1 following:

161 2 (1) The department's recommendations for the annual fiscal
161 3 year allocation of moneys in the fund, as provided in section
161 4 15G.111, subsection 4. The board may adjust the allocation of
161 5 moneys during the fiscal year as necessary.

161 6 (2) The department's recommendations for the allocation
161 7 of moneys among the program components referred to in section
161 8 15G.112, subsection 1, paragraph "b". The board may adjust the
161 9 allocation of moneys during the fiscal year as necessary.

161 10 b. Consider the recommendation of the due diligence
161 11 committee ~~and the agricultural products advisory council~~ on
161 12 each application for financial assistance, as described in
161 13 subsection 2, and take final action on each application.

161 14 c. Take final action on the required plans for proposed
161 15 expenditures submitted by the entities receiving moneys
161 16 allocated under section 15G.111, subsections 5 through 8.

161 17 d. Take final action on any rules recommended by the
161 18 department for the implementation of the provisions of this
161 19 chapter.

161 20 Sec. 353. REPEAL. Section 15.114, Code 2009, is repealed.

161 21 Sec. 354. REPEAL. Section 15.203, Code Supplement 2009, is
161 22 repealed.

161 23

DIVISION XXIII

161 24

CONSOLIDATION OF HOUSING PROGRAMS

161 25 Sec. 355. NEW SECTION. 16.41 Shelter assistance fund.

161 26 1. A shelter assistance fund is created as a revolving
161 27 fund in the state treasury under the control of the authority
161 28 consisting of any moneys appropriated by the general assembly
161 29 and received under section 428A.8 for purposes of the
161 30 rehabilitation, expansion, or costs of operations of group home
161 31 shelters for the homeless and domestic violence shelters.

161 32 2. Of the moneys in the fund, not less than five hundred
161 33 forty-six thousand dollars shall be spent annually on homeless
161 34 shelter projects.

161 35 3. Notwithstanding section 8.33, all moneys in the shelter



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162 1 assistance fund which remain unexpended or unobligated at the
162 2 close of the fiscal year shall not revert to the general fund
162 3 of the state but shall remain available for expenditure for
162 4 subsequent fiscal years.

162 5 Sec. 356. Section 428A.8, subsection 2, unnumbered
162 6 paragraph 1, Code 2009, is amended to read as follows:

162 7 The treasurer of state shall deposit or transfer the
162 8 receipts paid the treasurer of state pursuant to subsection
162 9 1 to either the general fund of the state, the housing trust
162 10 fund created in section 16.181, or the shelter assistance fund
162 11 created in section ~~15.349~~ 16.41 as follows:

162 12 Sec. 357. REPEAL. Section 15.349, Code 2009, is repealed.

162 13 Sec. 358. DEPARTMENTAL PROGRAM REVIEW == HOUSING PROGRAMS.

162 14 1. The department of economic development and the Iowa
162 15 finance authority shall conduct a joint review of programs
162 16 administered by the agencies that relate to housing, including
162 17 all such federal programs. The joint review of programs shall
162 18 include a review of all federal moneys received and spent on
162 19 housing programs. The agencies shall identify all programs
162 20 that are duplicative of another program and all programs that
162 21 have purposes similar to that of another program.

162 22 2. The agencies shall produce a report on how best to
162 23 transfer all responsibilities for housing-related programs from
162 24 the department of economic development to the Iowa finance
162 25 authority.

162 26 3. Within thirty days following the effective date of this
162 27 division of this Act, the agencies shall submit a joint written
162 28 report to the governor, the department of management, and the
162 29 general assembly consisting of the information required under
162 30 this section, a complete list of programs reviewed pursuant to
162 31 this section, and any other relevant information.

162 32 DIVISION XXIV

162 33 AREA EDUCATION AGENCIES

162 34 Sec. 359. Section 8D.5, subsection 1, Code 2009, is amended
162 35 by striking the subsection.



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163 1 Sec. 360. Section 8D.5, subsection 2, Code 2009, is amended
163 2 to read as follows:

163 3 2.a. A regional telecommunications council is established
163 4 in each of the merged areas established pursuant to chapter
163 5 260C consisting of nine members, including one member each
163 6 to be appointed by each of the ~~appointing authorities under~~
~~163 7 subsection 1~~ following:the state board of regents, the
163 8 Iowa association of community college trustees, the area
163 9 education agency boards, the Iowa association of school
163 10 boards, the school administrators of Iowa, the Iowa association
163 11 of independent colleges and universities, the Iowa state
163 12 education association, the Iowa association of nonpublic
163 13 school administrators, and the administrator of the public
163 14 broadcasting division of the department of education.

163 15 Additional ex officio, nonvoting members may also be appointed
163 16 to the regional telecommunications councils by the director of
163 17 the department of education.

163 18 b. The regional telecommunications councils shall ~~advise~~
~~163 19 the education telecommunications council on the assessment~~
~~163 20 of assess~~ local educational needs, ~~and the coordination~~
~~163 21 of coordinate~~ program activities including scheduling,
163 22 and shall advise the department of administrative services
163 23 and the department of education regarding local education
163 24 needs and program activities. The councils shall establish
163 25 scheduling and site usage policies for educational users of
163 26 the network and develop proposed rules and changes to rules
163 27 for recommendation to the commission. The councils shall
163 28 also recommend long-range plans for enhancements needed for
163 29 educational applications.

163 30 c. The community college located in the merged area of a
163 31 regional telecommunications council shall staff and facilitate
163 32 the activities of the council. The community college and
163 33 the council may enter into a chapter 28E agreement for such
163 34 arrangement.



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164 1 Sec. 361. Section 8D.8, Code 2009, is amended to read as
164 2 follows:
164 3 8D.8 Scheduling for authorized users.
164 4 ~~Except as provided in section 8D.5, an~~ An authorized user
164 5 is responsible for all scheduling of the use of the authorized
164 6 user's facility. A person who disputes a scheduling decision
164 7 of such user may petition the commission for a review of such
164 8 decision pursuant to section 8D.3, subsection 3, paragraph "c".
164 9 Sec. 362. Section 8D.13, subsection 8, Code 2009, is amended
164 10 to read as follows:
164 11 8. ~~The education~~ Each regional telecommunications
164 12 council shall review all requests for grants for educational
164 13 telecommunications applications from applicants within its
164 14 merged area, if they are a part of the Iowa communications
164 15 network, to ensure that the educational telecommunications
164 16 application is consistent with the telecommunications plan.
164 17 All other grant requests shall be reviewed as determined by
164 18 the commission. If the ~~education~~ regional telecommunications
164 19 council finds that a grant request is inconsistent with
164 20 the telecommunications plan, the grant request shall not be
164 21 allowed.
164 22 Sec. 363. Section 280.20, subsection 3, Code 2009, is
164 23 amended by striking the subsection.
164 24 Sec. 364. REPEAL. Chapters 261D and 280A, Code and Code
164 25 Supplement 2009, are repealed.
164 26 Sec. 365. REPEAL. Section 256.32, Code 2009, is repealed.
164 27 Sec. 366. AREA EDUCATION AGENCIES AND REGIONAL EDUCATION
164 28 OFFICE TRANSITION PLANNING.
164 29 1. It is the intent of the general assembly to dissolve
164 30 the current area education agency system by July 1, 2011; to
164 31 transfer the functions, facilities, equipment, programs, and
164 32 staff of the area education agency system to the department of
164 33 education; and to create within the department a bureau and
164 34 system of regional education offices that provide programs and
164 35 services to the school districts and children of Iowa in an



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165 1 efficient, consistent manner.
165 2 2. The director of the department of education, in
165 3 consultation with the directors of the departments of
165 4 administrative services and management or the directors'
165 5 designees, persons representing the administrators and boards
165 6 of directors of the area education agencies, and persons
165 7 representing other interested stakeholders, shall develop
165 8 a transition plan that provides for the dissolution of the
165 9 area education agency system and for the efficient transition
165 10 of area education agency functions, facilities, equipment,
165 11 programs, and staff by July 1, 2011, to a bureau of regional
165 12 education offices, to be administered by the department of
165 13 education to provide support functions and services in a more
165 14 efficient, consistent manner.
165 15 3. The director of the department of education shall do all
165 16 of the following:
165 17 a. Develop detailed studies of the facilities, property,
165 18 services, staffing necessities, equipment, programs, and other
165 19 capabilities available in the area education agency system.
165 20 b. Survey the school districts to determine the districts'
165 21 current and future programs and services, professional
165 22 development, and technology needs.
165 23 c. Set forth the assets and liabilities of the area
165 24 education agencies.
165 25 4. The plan shall include but not be limited to all of the
165 26 following:
165 27 a. The number, which shall not exceed nine, and the
165 28 locations of the regional education offices, which shall be
165 29 located throughout the state to provide for the most efficient
165 30 and consistent program and service delivery.
165 31 b. The employment by the department of education of regional
165 32 education office staff under the state merit system established
165 33 pursuant to chapter 8A, subchapter IV.
165 34 c. A review of area education agency administrative costs
165 35 and budgets and a proposal for an organizational chart for



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166 1 the planned bureau of regional education offices and the
166 2 regional education offices similar to the administrative and
166 3 organizational structure of the department of education.
166 4 d. A description of the steps a proposed bureau of
166 5 regional education offices and the proposed regional education
166 6 offices can take to improve efficiency and effectiveness of
166 7 programs currently provided by area education agencies to meet
166 8 accreditation standards.
166 9 e. A preliminary annual budget for the proposed bureau and
166 10 regional education offices estimating income and expenditures
166 11 for programs and services as provided in sections 273.1 through
166 12 273.9 and chapter 256B within the limits of funds provided
166 13 under section 256B.9 and chapter 257.
166 14 f. A description of the current area education agency
166 15 collective bargaining agreements, including but not limited to
166 16 the benefits and terms of the agreements.
166 17 g. Recommendations for policy and statutory changes for
166 18 implementation of the bureau and regional education offices
166 19 system.
166 20 h. Recommendations for limited options in elective services
166 21 to promote economical operation and the attainment of higher
166 22 standards of educational services for the schools.
166 23 i. A proposal for a funding model which combines a line item
166 24 contained in the annual appropriation for the department of
166 25 education with local funding for the support and operations of
166 26 the proposed bureau and regional education offices.
166 27 j. A proposal for the management of the assets and
166 28 liabilities of the dissolving area education agency system.
166 29 5. The director shall submit the transition plan to the
166 30 general assembly and the governor by October 1, 2010.

DIVISION XXV

HEALTH AND HUMAN SERVICES PROGRAM EFFICIENCIES

166 32 Sec. 367. DIRECTIVE FOR INCREASED EFFICIENCIES IN HUMAN
166 33 SERVICES PROGRAMS. The department of human services shall
166 34 develop and implement strategies to increase efficiencies by
166 35



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167 1 reducing paperwork, decreasing staff time, and providing more
167 2 streamlined services to the public relative to programs under
167 3 the purview of the department. Such strategies may include
167 4 but are not limited to simplifying and reducing duplication in
167 5 eligibility determinations among programs by utilizing the same
167 6 eligibility processes across programs to the extent allowed by
167 7 federal law. The department shall provide a progress report
167 8 to the joint appropriations subcommittee on health and human
167 9 services on a quarterly basis.

167 10 Sec. 368. PHARMACEUTICAL IMPROVEMENTS. The department
167 11 of human services, department of public health, department
167 12 of corrections, department of management, and any
167 13 other appropriate agency shall review the provision of
167 14 pharmaceuticals to populations they serve and programs under
167 15 their respective purview to determine efficiencies in the
167 16 purchase of pharmaceuticals. The departments shall develop
167 17 strategies to implement efficiencies and reduce costs to the
167 18 state, and shall determine any changes in state law or approval
167 19 from the federal government necessary to implement any strategy
167 20 identified.

167 21 DIVISION XXVI

167 22 HOSPITAL LICENSING BOARD

167 23 Sec. 369. Section 135B.5, subsection 1, Code 2009, is
167 24 amended to read as follows:

167 25 1. Upon receipt of an application for license and the
167 26 license fee, the department shall issue a license if the
167 27 applicant and hospital facilities comply with this chapter
167 28 and the rules of the department. Each licensee shall receive
167 29 annual reapproval upon payment of five hundred dollars and
167 30 upon filing of an application form which is available from the
167 31 department. The annual licensure fee shall be dedicated to
167 32 support and provide educational programs on regulatory issues
167 33 for hospitals licensed under this chapter ~~in consultation~~
~~167 34 with the hospital licensing board.~~ Licenses shall be either
167 35 general or restricted in form. Each license shall be issued



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168 1 only for the premises and persons or governmental units named
168 2 in the application and is not transferable or assignable except
168 3 with the written approval of the department. Licenses shall
168 4 be posted in a conspicuous place on the licensed premises as
168 5 prescribed by rule of the department.

168 6 Sec. 370. Section 135B.7, subsection 1, paragraph a, Code
168 7 Supplement 2009, is amended to read as follows:

168 8 a. The department, with the advice ~~and approval of the~~
168 9 ~~hospital licensing board~~ and approval of the state board of
168 10 health, shall adopt rules setting out the standards for the
168 11 different types of hospitals to be licensed under this chapter.
168 12 The department shall enforce the rules.

168 13 Sec. 371. REPEAL. Section 135B.10, Code 2009, is repealed.

168 14 Sec. 372. REPEAL. Section 135B.11, Code Supplement 2009,
168 15 is repealed.

DIVISION XXVII

CHILD SUPPORT

168 18 Sec. 373. Section 252D.17, Code 2009, is amended by adding
168 19 the following new subsection:

168 20 NEW SUBSECTION. 13. The department shall establish
168 21 criteria and a phased-in schedule to require, no later than
168 22 June 30, 2015, payors of income to electronically transmit
168 23 the amounts withheld under an income withholding order. The
168 24 department shall assist payors of income in complying with
168 25 the required electronic transmission, and shall adopt rules
168 26 setting forth procedures for use in electronic transmission of
168 27 funds, and exemption from use of electronic transmission taking
168 28 into consideration any undue hardship electronic transmission
168 29 creates for payors of income.

DIVISION XXVIII

FALSE CLAIMS ACT

168 32 Sec. 374. NEW SECTION. 685.1 Definitions.

168 33 As used in this chapter, unless the context otherwise
168 34 requires:

168 35 1. "Claim" means any request or demand for money, property,



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169 1 or services made to any employee, officer, or agent of the
169 2 state, or to any contractor, grantee, or other recipient,
169 3 whether under contract or not, if any portion of the money,
169 4 property, or services requested or demanded issued from, or
169 5 was provided by, the state, or if the state will reimburse the
169 6 contractor, grantee, or other recipient for any portion of the
169 7 money or property which is requested or demanded.
169 8 2. "Employer" means any natural person, corporation, firm,
169 9 association, organization, partnership, business, trust, or
169 10 state-affiliated entity involved in a nongovernmental function,
169 11 including state universities and state hospitals.
169 12 3. a. "Knowing" or "knowingly" means that a person, with
169 13 respect to information, does any of the following:
169 14 (1) Has actual knowledge of the information.
169 15 (2) Acts in deliberate ignorance of the truth or falsity of
169 16 the information.
169 17 (3) Acts in reckless disregard of the truth or falsity of
169 18 the information.
169 19 b. "Knowing" or "knowingly" with respect to information does
169 20 not require proof of specific intent to defraud.
169 21 4. "Qui tam plaintiff" means a private plaintiff who brings
169 22 an action under this chapter on behalf of the state.
169 23 Sec. 375. NEW SECTION. 685.2 Acts subjecting person to
169 24 treble damages, costs, and civil penalties == exceptions.
169 25 1. A person who commits any of the following acts is liable
169 26 to the state for three times the amount of damages which the
169 27 state sustains because of the act of that person. A person who
169 28 commits any of the following acts shall also be liable to the
169 29 state for the costs of a civil action brought to recover any of
169 30 those penalties or damages, and shall be liable to the state
169 31 for a civil penalty of not less than five thousand dollars and
169 32 not more than ten thousand dollars for each violation:
169 33 a. Knowingly presents or causes to be presented to any
169 34 employee, officer, or agent of the state, or to any contractor,
169 35 grantee, or other recipient of state funds, a false or



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170 1 fraudulent claim for payment or approval.
170 2 b. Knowingly makes, uses, or causes to be made or used, a
170 3 false record or statement to get a false or fraudulent claim
170 4 paid or approved.
170 5 c. Conspires to defraud the state by getting a false claim
170 6 allowed or paid, or conspires to defraud the state by knowingly
170 7 making, using, or causing to be made or used, a false record or
170 8 statement to conceal, avoid, or decrease an obligation to pay
170 9 or transmit money or property to the state.
170 10 d. Has possession, custody, or control of public property or
170 11 money used or to be used by the state and knowingly delivers or
170 12 causes to be delivered less property than the amount for which
170 13 the person receives a certificate or receipt.
170 14 e. Is authorized to make or deliver a document certifying
170 15 receipt of property used or to be used by the state and
170 16 knowingly makes or delivers a receipt that falsely represents
170 17 the property used or to be used.
170 18 f. Knowingly buys, or receives as a pledge of an obligation
170 19 or debt, public property from any person who lawfully may not
170 20 sell or pledge the property.
170 21 g. Knowingly makes, uses, or causes to be made or used, a
170 22 false record or statement to conceal, avoid, or decrease an
170 23 obligation to pay or transmit money or property to the state.
170 24 h. Is a beneficiary of an inadvertent submission of a false
170 25 claim to any employee, officer, or agent of the state, or to
170 26 any contractor, grantee, or other recipient of state funds,
170 27 subsequently discovers the falsity of the claim, and fails
170 28 to disclose the false claim to the attorney general within a
170 29 reasonable time after discovery of the false claim.
170 30 2. Notwithstanding subsection 1, the court may assess
170 31 not less than two times the amount of damages which the
170 32 state sustains because of the act of the person described in
170 33 subsection 1, and no civil penalty, if the court finds all of
170 34 the following:
170 35 a. The person committing the violation furnished the



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171 1 attorney general with all information known to that person
171 2 about the violation within thirty days after the date on which
171 3 the person first obtained the information.
171 4 b. The person fully cooperated with any investigation by the
171 5 attorney general.
171 6 c. At the time the person furnished the attorney general
171 7 with information about the violation, a criminal prosecution,
171 8 civil action, or administrative action had not commenced
171 9 with respect to the violation, and the person did not have
171 10 actual knowledge of the existence of an investigation into the
171 11 violation.
171 12 3. This section shall not apply to claims, records, or
171 13 statements made under Title X relating to state revenue and
171 14 taxation.
171 15 Sec. 376. NEW SECTION. 685.3 Investigations and
171 16 prosecutions == powers of prosecuting authority == civil actions
171 17 by individuals as qui tam plaintiffs and as private citizens ==
171 18 jurisdiction of courts.
171 19 1. The attorney general shall diligently investigate a
171 20 violation under section 685.2. If the attorney general finds
171 21 that a person has violated or is violating section 685.2, the
171 22 attorney general may bring a civil action under this section
171 23 against that person.
171 24 2. a. A person may bring a civil action for a violation of
171 25 this chapter for the person and for the state in the name of
171 26 the state. The person bringing the action shall be referred
171 27 to as the qui tam plaintiff. Once filed, the action may be
171 28 dismissed only with the written consent of the court, taking
171 29 into account the best interest of the parties involved and the
171 30 public purposes behind this chapter.
171 31 b. A copy of the complaint and written disclosure of
171 32 substantially all material evidence and information the
171 33 person possesses shall be served on the attorney general. The
171 34 complaint shall also be filed in camera, shall remain under
171 35 seal for at least sixty days, and shall not be served on the



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172 1 defendant until the court so orders. The attorney general may
172 2 elect to intervene and proceed with the action within sixty
172 3 days after the attorney general receives both the complaint and
172 4 the material evidence and the information.
172 5 c. The attorney general may, for good cause shown, move the
172 6 court for extensions of the time during which the complaint
172 7 remains under seal under paragraph "b". Any such motions may be
172 8 supported by affidavits or other submissions in camera. The
172 9 defendant shall not be required to respond to any complaint
172 10 filed under this section until after the complaint is unsealed
172 11 and served upon the defendant pursuant to rules of civil
172 12 procedure.
172 13 d. Before the expiration of the sixty-day period or any
172 14 extensions obtained under paragraph "c", the attorney general
172 15 shall do one of the following:
172 16 (1) Proceed with the action, in which case the action shall
172 17 be conducted by the attorney general.
172 18 (2) Notify the court that the attorney general declines to
172 19 take over the action, in which case the person bringing the
172 20 action shall have the right to conduct the action.
172 21 e. When a person brings a valid action under this section,
172 22 no person other than the attorney general may intervene or
172 23 bring a related action based on the facts underlying the
172 24 pending action.
172 25 3. a. If the attorney general proceeds with the action,
172 26 the attorney general shall have the primary responsibility for
172 27 prosecuting the action, and shall not be bound by an act of
172 28 the person bringing the action. Such person shall have the
172 29 right to continue as a party to the action, subject to the
172 30 limitations specified in paragraph "b".
172 31 b. (1) The attorney general may move to dismiss the action
172 32 for good cause notwithstanding the objections of the qui tam
172 33 plaintiff if the qui tam plaintiff has been notified by the
172 34 attorney general of the filing of the motion and the court has



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173 1 provided the qui tam plaintiff with an opportunity to oppose
173 2 the motion and present evidence at a hearing.
173 3 (2) The attorney general may settle the action with the
173 4 defendant notwithstanding the objections of the qui tam
173 5 plaintiff if the court determines, after a hearing providing
173 6 the qui tam plaintiff an opportunity to present evidence, that
173 7 the proposed settlement is fair, adequate, and reasonable under
173 8 all of the circumstances.
173 9 (3) Upon a showing by the attorney general that unrestricted
173 10 participation during the course of the litigation by the
173 11 person initiating the action would interfere with or unduly
173 12 delay the attorney general's prosecution of the case, or would
173 13 be repetitious, irrelevant, or for purposes of harassment,
173 14 the court may, in its discretion, impose limitations on the
173 15 person's participation, including but not limited to any of the
173 16 following:
173 17 (a) Limiting the number of witnesses the person may call.
173 18 (b) Limiting the length of the testimony of such witnesses.
173 19 (c) Limiting the person's cross-examination of witnesses.
173 20 (d) Otherwise limiting the participation by the person in
173 21 the litigation.
173 22 (4) Upon a showing by the defendant that unrestricted
173 23 participation during the course of the litigation by the person
173 24 initiating the action would be for purposes of harassment or
173 25 would cause the defendant undue burden or unnecessary expense,
173 26 the court may limit the participation by the person in the
173 27 litigation.
173 28 c. If the attorney general elects not to proceed with the
173 29 action, the person who initiated the action shall have the
173 30 right to conduct the action. If the attorney general requests,
173 31 the attorney general shall be served with copies of all
173 32 pleadings filed in the action and shall be supplied with copies
173 33 of all deposition transcripts at the state's expense. When a
173 34 person proceeds with the action, the court, without limiting
173 35 the status and rights of the person initiating the action, may



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174 1 permit the attorney general to intervene at a later date upon a
174 2 showing of good cause.

174 3 d. Whether or not the attorney general proceeds with the
174 4 action, upon a showing by the attorney general that certain
174 5 actions of discovery by the person initiating the action
174 6 would interfere with the attorney general's investigation or
174 7 prosecution of a criminal or civil matter arising out of the
174 8 same facts, the court may stay such discovery for a period of
174 9 not more than sixty days. Such a showing shall be conducted
174 10 in camera. The court may extend the sixty-day period upon
174 11 a further showing in camera that the attorney general has
174 12 pursued the criminal or civil investigation or proceedings
174 13 with reasonable diligence and any proposed discovery in the
174 14 civil action will interfere with the ongoing criminal or civil
174 15 investigation or proceedings.

174 16 e. Notwithstanding subsection 2, the attorney general may
174 17 elect to pursue the state's claim through any alternate remedy
174 18 available to the state, including any administrative proceeding
174 19 to determine a civil penalty. If any such alternate remedy
174 20 is pursued in another proceeding, the person initiating the
174 21 action shall have the same rights in such proceeding as such
174 22 person would have had if the action had continued under this
174 23 section. Any finding of fact or conclusion of law made in
174 24 such other proceeding that has become final with respect to
174 25 a party who is also a party to an action under this section,
174 26 shall be conclusive as to all such parties to an action under
174 27 this section. For purposes of this paragraph, a finding or
174 28 conclusion is final if it has been finally determined on appeal
174 29 to the appropriate court of the state, if all time for filing
174 30 such an appeal with respect to the finding or conclusion has
174 31 expired, or if the finding or conclusion is not subject to
174 32 judicial review.

174 33 4. a. (1) If the attorney general proceeds with an action
174 34 brought by a person under subsection 2, the person shall,
174 35 subject to subparagraph (2), receive at least fifteen percent



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175 1 but not more than twenty-five percent of the proceeds of the
175 2 action or settlement of the claim, which includes damages,
175 3 civil penalties, payments for costs of compliance, and any
175 4 other economic benefit realized by the state or federal
175 5 government as a result of the action, depending upon the
175 6 extent to which the person substantially contributed to the
175 7 prosecution of the action.

175 8 (2) If the action is one which the court finds to be
175 9 based primarily on disclosures of specific information, other
175 10 than information provided by the person bringing the action,
175 11 relating to allegations or transactions specifically in a
175 12 criminal, civil, or administrative hearing, or in a legislative
175 13 or administrative report, hearing, audit, or investigation, or
175 14 from the news media, the court may award an amount the court
175 15 considers appropriate, but in no case more than ten percent
175 16 of the proceeds, taking into account the significance of the
175 17 information and the role of the person bringing the action in
175 18 advancing the case to litigation.

175 19 (3) Any payment to a person under subparagraph (1) or (2)
175 20 shall be made from the proceeds. Any such person shall also
175 21 receive an amount for reasonable expenses which the appropriate
175 22 court finds to have been necessarily incurred, plus reasonable
175 23 attorney fees and costs. All such expenses, fees, and costs
175 24 shall be awarded against the defendant.

175 25 b. If the attorney general does not proceed with an action
175 26 under this section, the person bringing the action or settling
175 27 the claim shall receive an amount which the court decides is
175 28 reasonable for collecting the civil penalty and damages. The
175 29 amount shall be not less than twenty-five percent and not more
175 30 than thirty percent of the proceeds of the action or settlement
175 31 and shall be paid out of such proceeds, which includes damages,
175 32 civil penalties, payments for costs of compliance, and any
175 33 other economic benefit realized by the state or federal
175 34 government as a result of the action. Such person shall also
175 35 receive an amount for reasonable expenses which the appropriate



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176 1 court finds to have been necessarily incurred, plus reasonable
176 2 attorney fees and costs. All such expenses, fees, and costs
176 3 shall be awarded against the defendant.
176 4 c. Whether or not the attorney general proceeds with the
176 5 action, if the court finds that the action was brought by a
176 6 person who planned and initiated the violation of section
176 7 685.2 upon which the action was brought, the court may, to the
176 8 extent the court considers appropriate, reduce the share of
176 9 the proceeds of the action which the person would otherwise
176 10 receive under paragraph "a" or "b", taking into account the
176 11 role of that person in advancing the case to litigation and any
176 12 relevant circumstances pertaining to the violation. If the
176 13 person bringing the action is convicted of criminal conduct
176 14 arising from the person's role in the violation of section
176 15 685.2, the person shall be dismissed from the civil action and
176 16 shall not receive any share of the proceeds of the action.
176 17 Such dismissal shall not prejudice the right of the attorney
176 18 general to continue the action.
176 19 d. If the attorney general does not proceed with the action
176 20 and the person bringing the action conducts the action, the
176 21 court may award to the defendant reasonable attorney fees and
176 22 expenses if the defendant prevails in the action and the court
176 23 finds that the claim of the person bringing the action was
176 24 clearly frivolous, clearly vexatious, or brought primarily for
176 25 purposes of harassment.
176 26 5. a. A court shall not have jurisdiction over an action
176 27 brought under subsection 2 against a member of the general
176 28 assembly, a member of the judiciary, or an executive branch
176 29 official if the action is based on evidence or information
176 30 known to the attorney general when the action was brought.
176 31 b. A person shall not bring an action under subsection 2
176 32 which is based upon allegations or transactions which are the
176 33 subject of a civil suit or an administrative civil penalty
176 34 proceeding in which the state is already a party.
176 35 c. Upon motion of the attorney general, the court may in



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177 1 consideration of all the equities, dismiss a qui tam plaintiff
177 2 if the elements of the actionable false claims alleged in the
177 3 qui tam complaint have been publicly disclosed specifically
177 4 in the news media or in a publicly disseminated governmental
177 5 report, at the time the complaint is filed.

177 6 d. The state is not liable for expenses which a person
177 7 incurs in bringing an action under this section.

177 8 6. Any employee who is discharged, demoted, suspended,
177 9 threatened, harassed, or in any other manner discriminated
177 10 against in the terms and conditions of employment by the
177 11 person's employer because of lawful acts performed by the
177 12 employee on behalf of the employee or others in furtherance
177 13 of an action under this section, including investigation for,
177 14 initiation of, testimony for, or assistance in an action filed
177 15 or to be filed under this section, shall be entitled to all
177 16 relief necessary to make the employee whole. Such relief
177 17 shall include reinstatement with the same seniority status
177 18 such employee would have had but for the discrimination, two
177 19 times the amount of back pay, interest on the back pay, and
177 20 compensation for any special damages sustained as a result of
177 21 the discrimination, including litigation costs and reasonable
177 22 attorney fees. An employee may bring an action in the
177 23 appropriate court of the state for the relief provided in this
177 24 subsection.

177 25 Sec. 377. NEW SECTION. 685.4 Limitation of actions ==
177 26 burden of proof.

177 27 1. A civil action under section 685.3 shall not be brought
177 28 more than ten years after the date on which the violation was
177 29 committed.

177 30 2. A civil action under section 685.3 may be brought based
177 31 on activity prior to January 1, 2007, if the limitations period
177 32 pursuant to subsection 1 has not lapsed.

177 33 3. In any action brought under section 685.3, the attorney
177 34 general or the qui tam plaintiff shall be required to prove all
177 35 essential elements of the cause of action, including damages,



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178 1 by a preponderance of the evidence.
178 2 4. Notwithstanding any other provision of law, a guilty
178 3 verdict rendered in a criminal proceeding charging false
178 4 statements or fraud, whether upon a verdict after trial or upon
178 5 a plea of guilty or nolo contendere, shall estop the defendant
178 6 from denying the essential elements of the offense in any
178 7 action which involves the same transaction as in the criminal
178 8 proceeding and which is brought under section 685.3, subsection
178 9 1, 2, or 3.
178 10 Sec. 378. NEW SECTION. 685.5 Remedies under other laws ==
178 11 application.
178 12 1. The provisions of this chapter are not exclusive, and the
178 13 remedies provided for in this chapter shall be in addition to
178 14 any other remedies provided for in any other law or available
178 15 under common law.
178 16 2. This chapter shall be liberally construed and applied
178 17 to promote the public interest. This chapter shall also
178 18 be construed and applied in a manner that reflects the
178 19 congressional intent behind the federal False Claims Act,
178 20 31 U.S.C. {3729=3733, including the legislative history
178 21 underlying the 1986 amendments to the federal False Claims Act.
178 22 Sec. 379. NEW SECTION. 685.6 Venue.
178 23 An action brought under this chapter may be brought in any
178 24 judicial district in which the defendant or, in the case of
178 25 multiple defendants, any one defendant can be found, resides,
178 26 transacts business, or in which any act proscribed under this
178 27 chapter occurred. A summons as required by the rules of civil
178 28 procedure shall be issued by the appropriate district court and
178 29 service at any place within or outside the United States.
178 30 Sec. 380. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
178 31 APPLICABILITY. This division of this Act, being deemed of
178 32 immediate importance, takes effect upon enactment and applies
178 33 retroactively to January 1, 2007.
178 34 DIVISION XXIX
178 35 MEDICAID PRESCRIPTION DRUGS



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180 1 DIVESTITURE == MEDICAID PROGRAM
180 2 Sec. 385. Section 249F.1, subsection 2, paragraph a, Code
180 3 2009, is amended to read as follows:
180 4 a. "Transfer of assets" means any transfer or assignment
180 5 of a legal or equitable interest in property, as defined in
180 6 section 702.14, from a transferor to a transferee for less than
180 7 fair consideration, made while the transferor is receiving
180 8 medical assistance or within five years prior to application
180 9 for medical assistance by the transferor. Any such transfer
180 10 or assignment is presumed to be made with the intent, on the
180 11 part of the transferee; transferor; or another person acting
180 12 on behalf of a transferor who is an actual or implied agent,
180 13 guardian, attorney-in-fact, or person acting as a fiduciary,
180 14 of enabling the transferor to obtain or maintain eligibility
180 15 for medical assistance or of impacting the recovery or payment
180 16 of a medical assistance debt. This presumption is rebuttable
180 17 only by clear and convincing evidence that the transferor's
180 18 eligibility or potential eligibility for medical assistance or
180 19 the impact on the recovery or payment of a medical assistance
180 20 debt was no part of the transferee's reason of the transferee;
180 21 transferor; or other person acting on behalf of a transferor
180 22 who is an actual or implied agent, guardian, attorney-in-fact,
180 23 or person acting as a fiduciary for making or accepting the
180 24 transfer or assignment. A transfer of assets includes a
180 25 transfer of an interest in the transferor's home, domicile, or
180 26 land appertaining to such home or domicile while the transferor
180 27 is receiving medical assistance, unless otherwise exempt under
180 28 paragraph "b".
180 29 Sec. 386. Section 249F.1, subsection 2, paragraph b,
180 30 subparagraph (6), Code 2009, is amended to read as follows:
180 31 (6) Transfers of assets that would, at the time of the
180 32 transferor's application for medical assistance, have been
180 33 exempt from consideration as a resource if retained by the
180 34 transferor, pursuant to 42 U.S.C. {§N1382b(a), as implemented
180 35 by regulations adopted by the secretary of the United States



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181 1 department of health and human services, excluding the home and
181 2 land appertaining to the home.

181 3 DIVISION XXXIII

181 4 CHILD CARE ADVISORY COMMITTEE

181 5 Sec. 387. NEW SECTION. 135.173A Child care advisory
181 6 committee.

181 7 1. The early childhood Iowa council shall establish a state
181 8 child care advisory committee as part of the council. The
181 9 advisory committee shall advise and make recommendations to the
181 10 governor, general assembly, department of human services, and
181 11 other state agencies concerning child care.

181 12 2. The membership of the advisory committee shall consist of
181 13 a broad spectrum of parents and other persons from across the
181 14 state with an interest in or involvement with child care.

181 15 3. Except as otherwise provided, the voting members of
181 16 the advisory committee shall be appointed by the council
181 17 from a list of names submitted by a nominating committee to
181 18 consist of one member of the advisory committee, one member
181 19 of the department of human services' child care staff, three
181 20 consumers of child care, and one member of a professional child
181 21 care organization. Two names shall be submitted for each
181 22 appointment. The voting members shall be appointed for terms
181 23 of three years.

181 24 4. The voting membership of the advisory committee shall be
181 25 appointed in a manner so as to provide equitable representation
181 26 of persons with an interest in child care and shall include all
181 27 of the following:

181 28 a. Two parents of children served by a registered child
181 29 development home.

181 30 b. Two parents of children served by a licensed center.

181 31 c. Two not-for-profit child care providers.

181 32 d. Two for-profit child care providers.

181 33 e. One child care home provider.

181 34 f. Three child development home providers.

181 35 g. One child care resource and referral service grantee.



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- 182 1 h. One nongovernmental child advocacy group representative.
182 2 i. One designee of the department of human services.
182 3 j. One designee of the Iowa department of public health.
182 4 k. One designee of the department of education.
182 5 l. One head start program provider.
182 6 m. One person who is a business owner or executive officer
182 7 from nominees submitted by the Iowa chamber of commerce
182 8 executives.
182 9 n. One designee of the community empowerment office of the
182 10 department of management.
182 11 o. One person who is a member of the Iowa afterschool
182 12 alliance.
182 13 p. One person who is part of a local program implementing
182 14 the statewide preschool program for four-year-old children
182 15 under chapter 256C.
182 16 q. One person who represents the early childhood Iowa
182 17 council.
- 182 18 5. In addition to the voting members of the advisory
182 19 committee, the membership shall include four legislators as
182 20 ex officio, nonvoting members. The four legislators shall
182 21 be appointed one each by the majority leader of the senate,
182 22 the minority leader of the senate, the speaker of the house
182 23 of representatives, and the minority leader of the house of
182 24 representatives for terms as provided in section 69.16B.
- 182 25 6. In fulfilling the advisory committee's role, the
182 26 committee shall do all of the following:
- 182 27 a. Consult with the department of human services and make
182 28 recommendations concerning policy issues relating to child
182 29 care.
- 182 30 b. Advise the department of human services concerning
182 31 services relating to child care, including but not limited to
182 32 any of the following:
- 182 33 (1) Resource and referral services.
182 34 (2) Provider training.
182 35 (3) Quality improvement.



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183 1 (4) Public-private partnerships.
183 2 (5) Standards review and development.
183 3 (6) The federal child care and development block grant,
183 4 state funding, grants, and other funding sources for child
183 5 care.
183 6 c. Assist the department of human services in developing an
183 7 implementation plan to provide seamless service to recipients
183 8 of public assistance, which includes child care services.
183 9 For the purposes of this subsection, "seamless service"
183 10 means coordination, where possible, of the federal and state
183 11 requirements which apply to child care.
183 12 d. Advise and provide technical services to the director of
183 13 the department of education or the director's designee relating
183 14 to prekindergarten, kindergarten, and before and after school
183 15 programming and facilities.
183 16 e. Make recommendations concerning child care expansion
183 17 programs that meet the needs of children attending a core
183 18 education program by providing child care before and after the
183 19 core program hours and during times when the core program does
183 20 not operate.
183 21 f. Make recommendations for improving collaborations
183 22 between the child care programs involving the department of
183 23 human services and programs supporting the education and
183 24 development of young children including but not limited to the
183 25 federal head start program, the statewide preschool program for
183 26 four-year-old children and the early childhood, at-risk, and
183 27 other early education programs administered by the department
183 28 of education.
183 29 g. Make recommendations for eliminating duplication and
183 30 otherwise improving the eligibility determination processes
183 31 used for the state child care assistance program and other
183 32 programs supporting low-income families, including but not
183 33 limited to the federal head start, early head start, and even
183 34 start programs; the early childhood, at-risk, and preschool
183 35 programs administered by the department of education; the



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184 1 family and self-sufficiency grant program; and the family
184 2 investment program.
184 3 h. Make recommendations as to the most effective and
184 4 efficient means of managing the state and federal funding
184 5 available for the state child care assistance program.
184 6 i. Review program data from the department of human services
184 7 and other departments concerning child care as deemed to be
184 8 necessary by the advisory committee, although a department
184 9 shall not provide personally identifiable data or information.
184 10 j. Advise and assist the early childhood Iowa council in
184 11 developing the strategic plan required pursuant to section
184 12 135.173.
184 13 7. The department of human services shall provide
184 14 information to the advisory committee semiannually on all of
184 15 the following:
184 16 a. Federal, state, local, and private revenues and
184 17 expenditures for child care, including but not limited to
184 18 updates on the current and future status of the revenues and
184 19 expenditures.
184 20 b. Financial information and data relating to regulation of
184 21 child care by the department of human services and the usage of
184 22 the state child care assistance program.
184 23 c. Utilization and availability data relating to child care
184 24 regulation, quantity, and quality from consumer and provider
184 25 perspectives.
184 26 d. Statistical and demographic data regarding child care
184 27 providers and the families utilizing child care.
184 28 e. Statistical data regarding the processing time for
184 29 issuing notices of decision to state child care assistance
184 30 applicants and for issuing payments to child care providers.
184 31 8. The advisory committee shall coordinate with the early
184 32 childhood Iowa council its reporting annually in December
184 33 to the governor and general assembly concerning the status
184 34 of child care in the state, providing findings, and making
184 35 recommendations. The annual report may be personally presented



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185 1 to the general assembly's standing committees on human
185 2 resources by a representative of the advisory committee.
185 3 Sec. 388. Section 237A.1, subsection 16, Code 2009, is
185 4 amended to read as follows:
185 5 16. "State child care advisory ~~council~~ committee" means
185 6 the state child care advisory ~~council~~ committee established
185 7 pursuant to ~~sections 237A.21 and 237A.22~~ section 135.173A.
185 8 Sec. 389. Section 237A.12, subsection 3, Code 2009, is
185 9 amended to read as follows:
185 10 3. Rules relating to fire safety for child care centers
185 11 shall be adopted under this chapter by the state fire marshal
185 12 in consultation with the department. Rules adopted by the
185 13 state fire marshal for a building which is owned or leased by a
185 14 school district or accredited nonpublic school and used as a
185 15 child care facility shall not differ from standards adopted by
185 16 the state fire marshal for school buildings under chapter 100.
185 17 Rules relating to sanitation shall be adopted by the department
185 18 in consultation with the director of public health. All rules
185 19 shall be developed in consultation with the state child care
185 20 advisory ~~council~~ committee. The state fire marshal shall
185 21 inspect the facilities.
185 22 Sec. 390. Section 237A.25, subsection 1, Code 2009, is
185 23 amended to read as follows:
185 24 1. The department shall develop consumer information
185 25 material to assist parents in selecting a child care provider.
185 26 In developing the material, the department shall consult with
185 27 department of human services staff, department of education
185 28 staff, the state child care advisory ~~council~~ committee, the
185 29 Iowa empowerment board, and child care resource and referral
185 30 services. In addition, the department may consult with other
185 31 entities at the local, state, and national level.
185 32 Sec. 391. Section 237A.30, subsection 1, Code 2009, is
185 33 amended to read as follows:
185 34 1. The department shall work with the community empowerment
185 35 office of the department of management established in section



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186 1 28.3 and the state child care advisory ~~council~~ committee in
186 2 designing and implementing a voluntary quality rating system
186 3 for each provider type of child care facility.
186 4 Sec. 392. Section 256.9, subsection 32, paragraph b, Code
186 5 Supplement 2009, is amended to read as follows:
186 6 b. Standards and materials developed shall include
186 7 materials which employ developmentally appropriate practices
186 8 and incorporate substantial parental involvement. The
186 9 materials and standards shall include alternative teaching
186 10 approaches including collaborative teaching and alternative
186 11 dispute resolution training. The department shall consult
186 12 with the child development coordinating council, the state
186 13 child care advisory ~~council~~ committee established pursuant
186 14 to section 135.173A, the department of human services,
186 15 the state board of regents center for early developmental
186 16 education, the area education agencies, the department of child
186 17 development in the college of family and consumer sciences at
186 18 Iowa state university of science and technology, the early
186 19 childhood elementary division of the college of education at
186 20 the university of Iowa, and the college of education at the
186 21 university of northern Iowa, in developing these standards and
186 22 materials.
186 23 Sec. 393. REPEAL. Sections 237A.21 and 237A.22, Code
186 24 Supplement 2009, are repealed.
186 25 Sec. 394. IMPLEMENTATION == EFFECTIVE DATE.
186 26 1. The early childhood Iowa council shall develop a
186 27 legislation proposal identifying memberships slots for
186 28 the state child care advisory committee as created by this
186 29 division of this Act. The proposal shall ensure that there
186 30 is appropriate representation for the various types of child
186 31 care arrangements available in the state and for expertise.
186 32 The proposal shall be submitted to the governor and general
186 33 assembly on or before December 15, 2010.
186 34 2. The provisions of this division of this Act other than
186 35 this section take effect July 1, 2011.



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188 1 ~~9.~~ h. Other facilities not attached to the campus of the
188 2 main institution as program developments require.
188 3 Sec. 397. Section 219.1, subsection 1, Code 2009, is amended
188 4 to read as follows:
188 5 1. All of the following ~~shall be~~ are collectively designated
188 6 as a single state medical institution:
188 7 ~~a. The mental health institute, Mount Pleasant, Iowa.~~
188 8 ~~b. a.~~ a. The mental health institute, Independence, Iowa.
188 9 ~~c. b.~~ b. The mental health institute, Clarinda, Iowa.
188 10 ~~d. c.~~ c. The mental health institute, Cherokee, Iowa.
188 11 ~~e. d.~~ d. The Glenwood state resource center.
188 12 ~~f. e.~~ e. The Woodward state resource center.
188 13 Sec. 398. Section 226.1, subsection 1, Code Supplement
188 14 2009, is amended to read as follows:
188 15 1. The state hospitals for persons with mental illness ~~shall~~
188 16 ~~be designated,~~ known as the state mental health institutes,
188 17 are as follows:
188 18 ~~a. Mental Health Institute, Mount Pleasant, Iowa.~~
188 19 ~~b. a. Mental Health Institute~~ health institute,
188 20 Independence, Iowa.
188 21 ~~c. b. Mental Health Institute~~ health institute, Clarinda,
188 22 Iowa.
188 23 ~~d. c. Mental Health Institute~~ health institute, Cherokee,
188 24 Iowa.
188 25 Sec. 399. Section 226.9C, subsection 1, Code 2009, is
188 26 amended to read as follows:
188 27 1. ~~The state mental health institute at Mount Pleasant~~
188 28 ~~shall~~ department of human services may operate the a dual
188 29 diagnosis mental health and substance abuse program at a state
188 30 mental health institute. The dual diagnosis program shall
188 31 operate on a net budgeting basis in which fifty percent of the
188 32 actual per diem and ancillary services costs are chargeable to
188 33 the patient's county of legal settlement or as a state case,
188 34 as appropriate.
188 35 1A. Subject to the approval of the department, revenues



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189 1 attributable to the dual diagnosis program for each fiscal year
189 2 shall be deposited in the mental health institute's account
189 3 and are appropriated to the department for the dual diagnosis
189 4 program, including but not limited to all of the following
189 5 revenues:

- 189 6 a. Moneys received by the state from billings to counties
189 7 under section 230.20.
- 189 8 b. Moneys received from billings to the Medicare program.
- 189 9 c. Moneys received from a managed care contractor providing
189 10 services under contract with the department or any private
189 11 third-party payor.
- 189 12 d. Moneys received through client participation.
- 189 13 e. Any other revenues directly attributable to the dual
189 14 diagnosis program.

189 15 Sec. 400. TRANSITION PROVISIONS.

- 189 16 1. The director of human services and the director of the
189 17 department of corrections shall work together to transfer
189 18 authority over the facilities at the state mental health
189 19 institute at Mount Pleasant from the department of human
189 20 services to the department of corrections. The transfer shall
189 21 be completed on or before July 1, 2011.
- 189 22 2. The department of human services shall do all of the
189 23 following during the fiscal year beginning July 1, 2009,
189 24 relating to the transfer of authority over such facilities:

- 189 25 a. Adopt rules revising the catchment areas for the state
189 26 mental health institutes from four areas to three areas served
189 27 by the state mental health institutes at Cherokee, Clarinda,
189 28 and Independence. The rules shall also address relocation
189 29 of statewide programs to appropriate state mental health
189 30 institutes.
- 189 31 b. Transfer the patients at the state mental health
189 32 institute at Mount Pleasant to suitable alternative placements.

- 189 33 3. Moneys appropriated to the department of human services
189 34 for the fiscal year beginning July 1, 2009, and ending June 30,
189 35 2010, for the state mental health institute at Mount Pleasant



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190 1 shall be expended for the patients placed at the institute,
190 2 for services provided at alternative placements or for costs
190 3 incurred by the department of human services relating to the
190 4 transfer of programs.
190 5 4. Administrative rules adopted by the department of
190 6 human services for the state mental health institute at Mount
190 7 Pleasant in effect as of July 1, 2009, shall remain applicable
190 8 until the transfer of the authority over the facilities to the
190 9 department of corrections has been completed. The departments
190 10 of human services and corrections shall jointly provide written
190 11 notice to the legislative services agency when the transfer has
190 12 been completed.

190 13 Sec. 401. IMPLEMENTATION. Section 25B.2, subsection 3,
190 14 shall not apply to this division of this Act.

190 15 Sec. 402. EFFECTIVE UPON ENACTMENT. This division of this
190 16 Act, being deemed of immediate importance, takes effect upon
190 17 enactment.

190 18 DIVISION XXXV
190 19 CONSOLIDATION OF ADVISORY
190 20 BODIES == COUNCIL ON HUMAN SERVICES

190 21 Sec. 403. NEW SECTION. 217.3A Advisory committees.

190 22 1. General. The council on human services shall establish
190 23 and utilize the advisory committees identified in this section
190 24 and may establish and utilize other advisory committees. The
190 25 council shall establish appointment provisions, membership
190 26 terms, operating guidelines, and other operational requirements
190 27 for committees established pursuant to this section.

190 28 2. Child abuse prevention. The council shall establish a
190 29 child abuse prevention program advisory committee to support
190 30 the child abuse prevention program implemented in accordance
190 31 with section 235A.1. The duties of the advisory committee
190 32 shall include all of the following:

190 33 a. Advise the director of human services and the
190 34 administrator of the division of the department of human
190 35 services responsible for child and family programs regarding



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191 1 expenditures of funds received for the child abuse prevention
191 2 program.
191 3 b. Review the implementation and effectiveness of
191 4 legislation and administrative rules concerning the child abuse
191 5 prevention program.
191 6 c. Recommend changes in legislation and administrative rules
191 7 to the general assembly and the appropriate administrative
191 8 officials.
191 9 d. Require reports from state agencies and other entities as
191 10 necessary to perform its duties.
191 11 e. Receive and review complaints from the public concerning
191 12 the operation and management of the child abuse prevention
191 13 program.
191 14 f. Approve grant proposals.
191 15 3. a. The council shall establish a child support advisory
191 16 committee.
191 17 (1) Members of the advisory committee shall include at least
191 18 one district judge and representatives of custodial parent
191 19 groups, noncustodial parent groups, the general assembly, the
191 20 office of citizens' aide, the Iowa state bar association, the
191 21 Iowa county attorneys association, and other constituencies
191 22 which have an interest in child support enforcement issues,
191 23 appointed by the respective entity.
191 24 (2) The legislative members of the advisory committee shall
191 25 be appointed as follows: \$Mone senator each by the majority
191 26 leader of the senate, after consultation with the president
191 27 of the senate, and by the minority leader of the senate, and
191 28 one member of the house of representatives each by the speaker
191 29 of the house of representatives, after consultation with the
191 30 majority leader of the house of representatives, and by the
191 31 minority leader of the house of representatives.
191 32 b. The legislative members of the advisory committee shall
191 33 serve for terms as provided in section 69.16B. Appointments
191 34 shall comply with sections 69.16 and 69.16A. Vacancies shall
191 35 be filled by the original appointing authority and in the



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192 1 manner of the original appointments.
192 2 c. The child support advisory committee shall assist the
192 3 department in all of the following activities:
192 4 (1) Review of existing child support guidelines and
192 5 recommendations for revision.
192 6 (2) Examination of the operation of the child support system
192 7 to identify program improvements or enhancements which would
192 8 increase the effectiveness of securing parental support and
192 9 parental involvement.
192 10 (3) Recommendation of legislation which would clarify and
192 11 improve state law regarding support for children.
192 12 d. The committee shall receive input from the public
192 13 regarding any child support issues.
192 14 4. Child welfare.
192 15 a. The council shall establish a child welfare advisory
192 16 committee to advise the department of human services on
192 17 programmatic and budgetary matters related to the provision
192 18 or purchase of child welfare services. The committee shall
192 19 meet to review departmental budgets, policies, and programs,
192 20 and proposed budgets, policies, and programs, and to make
192 21 recommendations and suggestions to make the state child welfare
192 22 budget, programs, and policies more effective in serving
192 23 families and children.
192 24 b. The membership of the advisory committee shall
192 25 include representatives of child welfare service providers,
192 26 juvenile court services, the Iowa foster and adoptive parent
192 27 association, the child advocacy board, the coalition for
192 28 family and children's services in Iowa, children's advocates,
192 29 service consumers, and others who have training or knowledge
192 30 related to child welfare services. In addition, four members
192 31 shall be legislators, all serving as ex officio, nonvoting
192 32 members, with one each appointed by the speaker of the house
192 33 of representatives, the minority leader of the house of
192 34 representatives, the majority leader of the senate, and the
192 35 minority leader of the senate. The director of human services



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193 1 and the administrator of the division of the department of
193 2 human services responsible for child welfare services, or their
193 3 designees, shall also be ex officio, nonvoting members, and
193 4 shall serve as resource persons to the advisory committee.

193 5 Sec. 404. Section 235A.1, subsections 3 and 4, Code
193 6 Supplement 2009, are amended by striking the subsections.

193 7 Sec. 405. REPEAL. Sections 234.3 and 252B.18, Code 2009,
193 8 are repealed.

193 9 Sec. 406. IMPLEMENTATION. In establishing the child abuse
193 10 prevention program, child support, and child welfare advisory
193 11 committees and appointing members, the council on human
193 12 services shall consider reappointing those individuals who
193 13 were serving as members of the child abuse prevention advisory
193 14 council, the child support advisory committee, and the child
193 15 welfare advisory committee as of June 30, 2009.

193 16 DIVISION XXXVI

193 17 CONSOLIDATION OF ADVISORY

193 18 BODIES == STATE BOARD OF HEALTH

193 19 Sec. 407. NEW SECTION. 136.11 Advisory committees.

193 20 1. General. The state board of health shall establish and
193 21 utilize the advisory committees identified in this section
193 22 and may establish and utilize other advisory committees. The
193 23 council shall establish appointment provisions, membership
193 24 terms, operating guidelines, and other operational requirements
193 25 for committees established pursuant to this section.

193 26 2. Brain injury.

193 27 a. The board shall establish an advisory committee
193 28 on brain injuries. Insofar as practicable, the advisory
193 29 committee shall include persons with brain injuries; family
193 30 members of persons with brain injuries; representatives of
193 31 industry, labor, business, and agriculture; representatives
193 32 of federal, state, and local government; and representatives
193 33 of religious, charitable, fraternal, civic, educational,
193 34 medical, legal, veteran, welfare, and other professional
193 35 groups and organizations. In addition, the advisory committee



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194 1 shall include representatives of the following departments
194 2 and state entities as ex officio, nonvoting members: \$Mblind,
194 3 public health, human services, education, special education
194 4 bureau of the department of education, division of vocational
194 5 rehabilitation services of the department of education, and
194 6 commissioner of insurance.

194 7 b. The advisory committee shall do all of the following:
194 8 (1) Promote meetings and programs for the discussion of
194 9 methods to reduce the debilitating effects of brain injuries,
194 10 and disseminate information in cooperation with any other
194 11 department, agency, or entity on the prevention, evaluation,
194 12 care, treatment, and rehabilitation of persons affected by
194 13 brain injuries.

194 14 (2) Study and review current prevention, evaluation, care,
194 15 treatment, and rehabilitation technologies and recommend
194 16 appropriate preparation, training, retraining, and distribution
194 17 of personnel and resources in the provision of services
194 18 to persons with brain injuries through private and public
194 19 residential facilities, day programs, and other specialized
194 20 services.

194 21 (3) Participate in developing and disseminating criteria
194 22 and standards which may be required for future funding or
194 23 licensing of facilities, day programs, and other specialized
194 24 services for persons with brain injuries in this state.

194 25 (4) Make recommendations to the governor for developing and
194 26 administering a state plan to provide services for persons with
194 27 brain injuries.

194 28 c. The department is designated as Iowa's lead agency
194 29 for brain injury. For the purposes of this subsection, the
194 30 designation of lead agency authorizes the department to perform
194 31 or oversee the performance of those functions specified in
194 32 paragraph "b", subparagraphs (1) through (3).

194 33 d. The advisory committee may receive gifts, grants, or
194 34 donations made for any of the purposes of its programs and
194 35 disburse and administer them in accordance with their terms and



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195 1 under the direction of the director.
195 2 3. Center for rural health and primary care.
195 3 a. The board shall establish an advisory committee to
195 4 the center for rural health and primary care established in
195 5 section 135.107. The advisory committee shall consist of one
195 6 representative approved by each of the following agencies or
195 7 entities: the department of agriculture and land stewardship,
195 8 the department of public health, the department of inspections
195 9 and appeals, national and regional rural health policy groups,
195 10 and the Iowa state association of counties. In addition, the
195 11 membership shall include representatives of consumer groups
195 12 active in rural health issues and of two farm organizations
195 13 active within the state, a representative of an agricultural
195 14 business in the state, a practicing rural family physician,
195 15 a practicing rural physician assistant, a practicing rural
195 16 advanced registered nurse practitioner, and a rural health
195 17 practitioner who is not a physician, physician assistant, or
195 18 advanced registered nurse practitioner. The advisory committee
195 19 shall also include as members two state representatives, one
195 20 appointed by the speaker of the house of representatives and
195 21 one by the minority leader of the house of representatives, and
195 22 two state senators, one appointed by the majority leader of the
195 23 senate and one by the minority leader of the senate.
195 24 b. The advisory committee shall regularly meet with
195 25 the administrative head of the center for rural health and
195 26 primary care as well as with the director of the center for
195 27 agricultural health and safety established under section
195 28 262.78. The head of the center for rural health and primary
195 29 care and the director of the center for agricultural health and
195 30 safety shall consult with the advisory committee and provide
195 31 the advisory committee with relevant information regarding
195 32 their agencies.
195 33 4. Hemophilia.
195 34 a. The board shall establish a hemophilia advisory committee
195 35 to provide recommendations on cost-effective treatment programs



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196 1 that enhance the quality of life of those afflicted with
196 2 hemophilia and other bleeding and clotting disorders and
196 3 contain the high cost of treatment.
196 4 b. The membership of the advisory committee shall include
196 5 hemophilia patients and caregivers and representatives of
196 6 relevant state agencies, health care providers, social workers,
196 7 and other providers who treat persons with hemophilia and other
196 8 bleeding and clotting disorders.
196 9 c. The committee shall review and make recommendations to
196 10 the director concerning but not limited to the following:
196 11 (1) Proposed legislative or administrative changes to
196 12 policies and programs that are integral to the health and
196 13 wellness of individuals with hemophilia and other bleeding and
196 14 clotting disorders.
196 15 (2) Standards of care and treatment for persons living with
196 16 hemophilia and other bleeding and clotting disorders.
196 17 (3) The development of community-based initiatives to
196 18 increase awareness of care and treatment for persons living
196 19 with hemophilia and other bleeding and clotting disorders.
196 20 (4) Facilitating communication and cooperation among
196 21 persons with hemophilia and other bleeding and clotting
196 22 disorders.
196 23 d. The advisory committee shall report to the board,
196 24 governor, and general assembly annually before January with
196 25 recommendations for maintaining and improving access to care
196 26 for individuals with hemophilia and other bleeding and clotting
196 27 disorders. Subsequent annual reports shall report on the
196 28 status of implementing the recommendations as proposed by the
196 29 advisory committee and on any state and national activities
196 30 with regard to hemophilia and other bleeding and clotting
196 31 disorders.
196 32 5. Trauma system.
196 33 a. The board shall establish a trauma system advisory
196 34 committee.
196 35 b. The membership of the advisory committee may include



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197 1 representatives of relevant health care providers, state
197 2 departments, professional associations, trauma care providers,
197 3 rehabilitation providers, and researchers.
197 4 c. The advisory committee shall do all of the following:
197 5 (1) Advise the department on issues and strategies to
197 6 achieve optimal trauma care delivery throughout the state.
197 7 (2) Assist the department in the implementation of an Iowa
197 8 trauma care plan.
197 9 (3) Develop criteria for the categorization of all
197 10 hospitals and emergency care facilities according to their
197 11 trauma care capabilities. These categories shall be for levels
197 12 I, II, III, and IV, based on the most current guidelines
197 13 published by the American college of surgeons committee on
197 14 trauma, the American college of emergency physicians, and
197 15 the model trauma care plan of the United States department
197 16 of health and human services' health resources and services
197 17 administration.
197 18 (4) Develop a process for the verification of the
197 19 trauma care capacity of each facility and the issuance of a
197 20 certificate of verification.
197 21 (5) Develop standards for medical direction, trauma care,
197 22 triage and transfer protocols, and trauma registries.
197 23 (6) Promote public information and education activities for
197 24 injury prevention.
197 25 (7) Review the rules adopted under chapter 147A relating to
197 26 the trauma care system and make recommendations to the director
197 27 for changes to further promote optimal trauma care.
197 28 6. State medical examiner.
197 29 a. The board shall establish a state medical examiner
197 30 advisory committee to advise and consult with the state medical
197 31 examiner on a range of issues affecting the organization and
197 32 functions of the office of the state medical examiner and the
197 33 effectiveness of the medical examiner system in the state.
197 34 b. The membership of the advisory committee shall be
197 35 appointed pursuant to the recommendation of the state medical



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198 1 examiner to include relevant representatives of state and local
198 2 prosecutors, health professionals, state and local health
198 3 departments, state departments, professional associations, and
198 4 funeral directors.
198 5 Sec. 408. Section 135.107, subsection 5, Code Supplement
198 6 2009, is amended by striking the subsection.
198 7 Sec. 409. Section 135.22B, subsection 2, paragraphs b and c,
198 8 Code 2009, are amended to read as follows:
198 9 b. The division of the department assigned to administer
198 10 the ~~advisory council on~~ programs and services addressing brain
198 11 ~~injuries under section 135.22A~~ shall be the program
198 12 administrator. The division duties shall include but are
198 13 not limited to serving as the fiscal agent and contract
198 14 administrator for the program and providing program oversight.
198 15 c. The division shall consult with the advisory
198 16 ~~council~~ committee on brain injuries, established pursuant to
198 17 ~~section 135.22A~~ 136.11, regarding the program and shall report
198 18 to the council concerning the program at least quarterly. The
198 19 ~~council~~ advisory committee shall make recommendations to the
198 20 department concerning the program's operation.
198 21 Sec. 410. Section 147A.23, subsection 2, unnumbered
198 22 paragraph 1, Code 2009, is amended to read as follows:
198 23 The department, in consultation with the trauma system
198 24 advisory ~~council~~ committee established pursuant to section
198 25 136.11, shall develop, coordinate, and monitor a statewide
198 26 trauma care system. This system shall include, but not be
198 27 limited to, the following:
198 28 Sec. 411. Section 147A.26, subsection 1, Code 2009, is
198 29 amended to read as follows:
198 30 1. The department shall maintain a statewide trauma
198 31 reporting system by which the system evaluation and
198 32 quality improvement committee, the trauma system advisory
198 33 ~~council~~ committee established pursuant to section 136.11, and
198 34 the department may monitor the effectiveness of the statewide
198 35 trauma care system.



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199 1 Sec. 412. Section 691.6, subsection 3, Code Supplement
199 2 2009, is amended to read as follows:

199 3 3. To adopt rules pursuant to chapter 17A, and subject
199 4 to the approval of the director of public health, with the
199 5 advice and approval of the state medical examiner advisory
199 6 ~~council~~ committee established pursuant to section 136.11.

199 7 Sec. 413. REPEAL. Sections 135.22A, 135N.1, 135N.2,
199 8 135N.3, 135N.4, 135N.5, 135N.6, and 147A.24, Code 2009, are
199 9 repealed.

199 10 Sec. 414. REPEAL. Section 691.6C, Code Supplement 2009, is
199 11 repealed.

199 12 Sec. 415. IMPLEMENTATION. In establishing the brain
199 13 injury, center for rural health and primary care, hemophilia,
199 14 trauma system, and state medical examiner advisory committees
199 15 and appointing members, the state board of health shall
199 16 consider reappointing those individuals who were serving
199 17 as members of the advisory council on brain injuries, the
199 18 center for rural health and primary care advisory committee,
199 19 the hemophilia advisory council, the state medical examiner
199 20 advisory council, and the trauma system advisory council as of
199 21 June 30, 2009.

199 22 DIVISION XXXVII

199 23 DEPARTMENT OF HUMAN SERVICES == FAMILY SUPPORT SUBSIDY

199 24 Sec. 416. Section 225C.37, Code Supplement 2009, is amended
199 25 by adding the following new subsection:

199 26 NEW SUBSECTION. 3. Effective July 1, 2010, the department
199 27 shall not accept new applications for the family support
199 28 subsidy program and shall not approve pending applications
199 29 for the program. Subsidy termination or application denial
199 30 relating to family members enrolled in the family support
199 31 subsidy program as of July 1, 2010, is subject to section
199 32 225C.40.

199 33 DIVISION XXXVIII

199 34 DEPARTMENT OF HUMAN SERVICES == ELECTRONIC FUNDS TRANSFER
199 35 PAYMENTS



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200 1 Sec. 417. NEW SECTION. 217.24 Payment by electronic funds
200 2 transfer.

200 3 The department of human services shall continue expanding
200 4 the practice of making payments to program participants and
200 5 vendors by means of electronic funds transfer. The department
200 6 shall seek the capacity for making payment by such means for
200 7 all programs administered by the department.

200 8 DIVISION XXXIX

200 9 DEPARTMENT OF HUMAN SERVICES == ADOPTION SUBSIDY PROGRAM

200 10 Sec. 418. ADOPTION SUBSIDY PROGRAM RATES. For the fiscal
200 11 year beginning July 1, 2010, the maximum adoption subsidy rate
200 12 authorized by the department of human services shall not exceed
200 13 the maximum rate in effect on June 30, 2010, and the maximum
200 14 payment for nonrecurring expenses shall be limited to \$500 and
200 15 additional amounts for court costs and other related legal
200 16 expenses shall no longer be allowed.

200 17 DIVISION XL

200 18 JUVENILE DETENTION HOME FUND

200 19 Sec. 419. Section 232.142, subsections 3 and 6, Code 2009,
200 20 are amended by striking the subsections.

200 21 Sec. 420. Section 321.210B, subsection 7, paragraph b, Code
200 22 2009, is amended to read as follows:

200 23 b. The clerk of the district court shall transmit to the
200 24 department, from the first moneys collected, an amount equal to
200 25 the amount of any civil penalty assessed pursuant to section
200 26 321.218A or 321A.32A and added to the installment agreement.
200 27 The department shall transmit the money received from the
200 28 clerk of the district court pursuant to this paragraph to the
200 29 treasurer of state for deposit in the ~~juvenile detention home~~
200 30 ~~fund created in section 232.142~~ general fund of the state.

200 31 Sec. 421. Section 321.218A, Code 2009, is amended to read
200 32 as follows:

200 33 321.218A Civil penalty == disposition == reinstatement.

200 34 When the department suspends, revokes, or bars a person's
200 35 driver's license or nonresident operating privilege for a



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201 1 conviction under this chapter, the department shall assess
201 2 the person a civil penalty of two hundred dollars. However,
201 3 for persons age nineteen or under, the civil penalty assessed
201 4 shall be fifty dollars. The civil penalty does not apply to
201 5 a suspension issued for a violation of section 321.180B. The
201 6 money collected by the department under this section shall be
201 7 transmitted to the treasurer of state who shall deposit the
201 8 money in the ~~juvenile detention home fund created in section~~
~~201 9 232.142~~ general fund of the state. Except as provided in
201 10 section 321.210B, a temporary restricted license shall not
201 11 be issued or a driver's license or nonresident operating
201 12 privilege reinstated until the civil penalty has been paid.
201 13 A person assessed a penalty under this section may remit the
201 14 civil penalty along with a processing fee of five dollars to a
201 15 county treasurer authorized to issue driver's licenses under
201 16 chapter 321M, or the civil penalty may be paid directly to the
201 17 department.
201 18 Sec. 422. Section 321A.32A, Code 2009, is amended to read
201 19 as follows:
201 20 321A.32A Civil penalty == disposition == reinstatement.
201 21 When the department suspends, revokes, or bars a person's
201 22 driver's license or nonresident operating privilege under this
201 23 chapter, the department shall assess the person a civil penalty
201 24 of two hundred dollars. However, for persons age nineteen or
201 25 under, the civil penalty assessed shall be fifty dollars. The
201 26 money collected by the department under this section shall be
201 27 transmitted to the treasurer of state who shall deposit the
201 28 money in the ~~juvenile detention home fund created in section~~
~~201 29 232.142~~ general fund of the state. Except as provided in
201 30 section 321.210B, a temporary restricted license shall not
201 31 be issued or a driver's license or nonresident operating
201 32 privilege reinstated until the civil penalty has been paid.
201 33 A person assessed a penalty under this section may remit the
201 34 civil penalty along with a processing fee of five dollars to a
201 35 county treasurer authorized to issue driver's licenses under



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202 1 chapter 321M, or the civil penalty may be paid directly to the
202 2 department.

202 3

DIVISION XLI

202 4

GUARDIAN AD LITEM

202 5 Sec. 423. Section 232.2, subsection 22, Code Supplement
202 6 2009, is amended by adding the following new paragraph:

202 7 NEW PARAGRAPH. bb. Unless provided otherwise by a court
202 8 order or juvenile court having jurisdiction over the child, a
202 9 guardian ad litem may obtain the information required under
202 10 paragraph "b" about the status of the child by an alternative
202 11 means other than an in-person visit or interview, provided
202 12 the safety of the child is not jeopardized by use of the
202 13 alternative means.

202 14

DIVISION XLII

202 15

COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND

202 16 Sec. 424. Section 35A.16, subsection 3, paragraph a, Code
202 17 Supplement 2009, is amended to read as follows:

202 18 a. If sufficient moneys are available, the department
202 19 shall annually allocate ten thousand dollars to each county
202 20 commission of veteran affairs, or to each county sharing the
202 21 services of an executive director or administrator pursuant
202 22 to chapter 28E, to be used to provide services to veterans
202 23 pursuant to section 35B.6. The department shall implement an
202 24 application process which delineates allowable uses for grant
202 25 funding and provides for accountability measures.

202 26

DIVISION XLIII

202 27

DEPARTMENT OF CORRECTIONS

202 28 Sec. 425. Section 904.106, Code 2009, is amended to read as
202 29 follows:

202 30 904.106 Meetings == expenses.

202 31 The board shall meet at least ~~twelve times a~~ quarterly
202 32 throughout the year. Special meetings may be called by the
202 33 chairperson or upon written request of any three members of the
202 34 board. The chairperson shall preside at all meetings or in the
202 35 chairperson's absence, the vice chairperson shall preside. The



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203 1 members of the board shall be paid their actual expenses while
203 2 attending the meetings. Each member of the board may also be
203 3 able to receive compensation as provided in section 7E.6.
203 4 Sec. 426. Section 904.505, Code 2009, is amended by adding
203 5 the following new subsection:
203 6 NEW SUBSECTION. 4. The disciplinary rules may impose a
203 7 reasonable administrative fee for the filing of a report of a
203 8 major disciplinary rule infraction for which an inmate is found
203 9 guilty. A fee charged pursuant to this subsection shall be
203 10 deposited in the general fund of the state.
203 11 Sec. 427. CORRECTIONAL FACILITY CLOSURE. The department
203 12 of corrections shall close by October 1, 2010, the Luster
203 13 Heights facility, which is a satellite facility of the Anamosa
203 14 state penitentiary, and farm 1 and farm 3, which are satellite
203 15 facilities of the Iowa state penitentiary, and shall transfer
203 16 the inmates confined at such facilities to other institutions
203 17 under the control of the department of corrections.
203 18 DIVISION XLIV
203 19 STATE PUBLIC DEFENDER
203 20 Sec. 428. Section 13B.2A, Code 2009, is amended by striking
203 21 the section and inserting in lieu thereof the following:
203 22 13B.2A Indigent defense == report == court appointed counsel
203 23 fees.
203 24 1. The department shall file a written report every
203 25 three years with the governor and the general assembly by
203 26 January 1 of a year in which a report is due relating to the
203 27 recommendations and activities of the department relating to
203 28 the state indigent defense system. The first such report shall
203 29 be due on January 1, 2012.
203 30 2. The report shall contain recommendations to the general
203 31 assembly and the state public defender regarding the hourly
203 32 rates paid to court-appointed counsel and per case fee
203 33 limitations. These recommendations shall be consistent with
203 34 the constitutional requirement to provide effective assistance
203 35 of counsel to those indigent persons for whom the state is



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205 1 other candidates to the law enforcement academy, including a
205 2 candidate from a tribal government, shall pay the full costs of
205 3 providing the basic training requirements for a law enforcement
205 4 officer.

205 5 Sec. 432. IOWA LAW ENFORCEMENT ACADEMY == PILOT TRAINING
205 6 PROGRAM == PRIVATE SECURITY PERSONNEL. The Iowa law
205 7 enforcement academy, subject to the approval of the Iowa law
205 8 enforcement academy council, shall develop and administer a
205 9 pilot program consisting of training seminars for private
205 10 security personnel. The pilot program shall consist of fifty
205 11 hours of training for each of ten trainees at a cost of fifty
205 12 dollars per hour of training. All moneys received from the
205 13 training seminars shall be deposited in the general fund of the
205 14 state.

205 15 DIVISION XLVI

205 16 DEPARTMENT OF PUBLIC SAFETY DIVISIONS

205 17 Sec. 433. Section 80.17, subsection 1, paragraph f, Code
205 18 2009, is amended by striking the paragraph.

205 19 Sec. 434. Section 124.510, unnumbered paragraph 2, Code
205 20 2009, is amended to read as follows:

205 21 This information is for the exclusive use of the division of
205 22 ~~narcotics enforcement~~ criminal investigation in the department
205 23 of public safety, and shall not be a matter of public record.

205 24 DIVISION XLVII

205 25 DEPARTMENT OF PUBLIC SAFETY == OFFICE OF DRUG CONTROL POLICY

205 26 Sec. 435. Section 80.8, subsection 3, paragraph a, Code
205 27 2009, is amended to read as follows:

205 28 a. The salaries of peace officers and employees of the
205 29 department and the expenses of the department shall be provided
205 30 for by a legislative appropriation, except the salary of the
205 31 drug policy coordinator shall be fixed by the governor as
205 32 provided in section 80E.1. The compensation of peace officers
205 33 of the department shall be fixed according to grades as to rank
205 34 and length of service by the commissioner with the approval of
205 35 the department of administrative services, unless covered by a



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206 1 collective bargaining agreement that provides otherwise.
206 2 Sec. 436. Section 80.9, Code 2009, is amended by adding the
206 3 following new subsection:
206 4 NEW SUBSECTION. 10. The department shall receive and review
206 5 the budget submitted by the drug policy coordinator and assist
206 6 the drug policy coordinator in directing the governor's office
206 7 of drug control policy pursuant to section 80E.1.
206 8 Sec. 437. Section 80.17, subsection 1, Code 2009, is amended
206 9 by adding the following new paragraph:
206 10 NEW PARAGRAPH. g. Office of drug control policy.
206 11 Sec. 438. Section 80E.1, subsection 1, Code 2009, is amended
206 12 to read as follows:
206 13 1. The office of drug control policy is established in the
206 14 department of public safety. A drug policy coordinator shall
206 15 be appointed by the governor, subject to confirmation by the
206 16 senate, and shall serve at the pleasure of the governor. The
206 17 governor shall fill a vacancy in the office in the same manner
206 18 as the original appointment was made. The coordinator shall be
206 19 selected primarily for administrative ability. The coordinator
206 20 shall not be selected on the basis of political affiliation
206 21 and shall not engage in political activity while holding the
206 22 office. The salary of the coordinator shall be fixed by the
206 23 governor.
206 24 Sec. 439. Section 80E.1, subsection 2, paragraph a, Code
206 25 2009, is amended to read as follows:
206 26 a. Direct the ~~governor's~~ office of drug control policy,
206 27 and coordinate and monitor all statewide narcotics enforcement
206 28 efforts, coordinate and monitor all state and federal substance
206 29 abuse treatment grants and programs, coordinate and monitor all
206 30 statewide substance abuse prevention and education programs
206 31 in communities and schools, and engage in such other related
206 32 activities as required by law. The coordinator shall work in
206 33 coordinating the efforts of the department of corrections, the
206 34 department of education, the Iowa department of public health,
206 35 ~~the department of public safety,~~ and the department of human



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207 1 services. The coordinator shall assist in the development
207 2 and implementation of local and community strategies to fight
207 3 substance abuse, including local law enforcement, education,
207 4 and treatment activities.
207 5 Sec. 440. Section 124.101, subsection 21, Code Supplement
207 6 2009, is amended to read as follows:
207 7 21. "Office" means the ~~governor's~~ office of drug control
207 8 policy, as referred to in section 80E.1.
207 9 Sec. 441. Section 135.130, subsection 2, Code 2009, is
207 10 amended to read as follows:
207 11 2. A substance abuse treatment facility advisory council
207 12 is established within the department to advise and make
207 13 recommendations to the director regarding the establishment
207 14 and operation of a facility for persons with a substance
207 15 abuse problem who are on probation and to assist with the
207 16 implementation of treatment programs that are proven to
207 17 be effective for offenders. The substance abuse treatment
207 18 facility advisory council shall consist of the directors of the
207 19 eight judicial district departments of correctional services
207 20 and one representative each from the judicial branch, the Iowa
207 21 department of public health, the department of corrections, and
207 22 the ~~governor's~~ office of drug control policy.
207 23 Sec. 442. Section 216A.132, subsection 1, paragraph b, Code
207 24 2009, is amended to read as follows:
207 25 b. The departments of human services, corrections, and
207 26 public safety, the division on the status of African-Americans,
207 27 the Iowa department of public health, the chairperson of
207 28 the board of parole, the attorney general, the state public
207 29 defender, the ~~governor's~~ office of drug control policy, and
207 30 the chief justice of the supreme court shall each designate a
207 31 person to serve on the council. The person appointed by the
207 32 Iowa department of public health shall be from the departmental
207 33 staff who administer the comprehensive substance abuse program
207 34 under chapter 125.



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208 1 Sec. 443. Section 216A.140, subsection 5, paragraph h, Code
208 2 Supplement 2009, is amended to read as follows:

208 3 h. ~~Governor's office~~ Office of drug control policy.

208 4 Sec. 444. Section 602.8108, subsection 4, Code Supplement
208 5 2009, is amended to read as follows:

208 6 4. The clerk of the district court shall remit all moneys
208 7 collected from the drug abuse resistance education surcharge
208 8 provided in section 911.2 to the state court administrator
208 9 for deposit in the general fund of the state and the amount
208 10 deposited is appropriated to the ~~governor's~~ office of drug
208 11 control policy for use by the drug abuse resistance education
208 12 program and other programs directed for a similar purpose.

208 13 DIVISION XLVIII

208 14 STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

208 15 Sec. 445. NEW SECTION. 2.69 State government efficiency
208 16 review committee established.

208 17 1. A state government efficiency review committee is
208 18 established which shall meet at least every four years to
208 19 review the operations of state government. The committee shall
208 20 meet as directed by the legislative council.

208 21 2. a. The committee shall consist of three members of the
208 22 senate appointed by the majority leader of the senate, two
208 23 members of the senate appointed by the minority leader of the
208 24 senate, three members of the house of representatives appointed
208 25 by the speaker of the house of representatives, and two members
208 26 of the house of representatives appointed by the minority
208 27 leader of the house of representatives.

208 28 b. Members shall be appointed prior to January 31 of the
208 29 first regular session of each general assembly and shall serve
208 30 for terms ending upon the convening of the following general
208 31 assembly or when their successors are appointed, whichever is
208 32 later. A vacancy shall be filled in the same manner as the
208 33 original appointment and shall be for the remainder of the
208 34 unexpired term of the vacancy.

208 35 c. The committee shall elect a chairperson and vice



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210 1 DIVISION I == GOVERNMENT INFORMATION TECHNOLOGY SERVICES.
210 2 Division I concerns information technology services.
210 3 The division also modifies provisions relative to
210 4 information technology services provided by the department of
210 5 administrative services.
210 6 Code section 8A.111(3) is amended by striking the
210 7 requirement of the department to provide an annual report
210 8 regarding total spending on technology currently required to
210 9 be prepared by the technology governance board. This division
210 10 of the bill eliminates the board, replaces it with an advisory
210 11 council, and eliminates the requirement to prepare this annual
210 12 report.
210 13 Code section 8A.122, concerning the exemption granted
210 14 the state board of regents from obtaining services from the
210 15 department of administrative services without their consent,
210 16 is amended to eliminate this exemption as it relates to
210 17 information technology services.
210 18 Code section 8A.201 is amended to add a definition
210 19 for infrastructure services as it relates to information
210 20 technology. The bill defines infrastructure services to
210 21 include data centers, servers and mainframes, wide area and
210 22 local area networks, cybersecurity functions, and disaster
210 23 recovery technology.
210 24 Code section 8A.201(4) is amended to provide that all
210 25 state agencies are considered participating agencies for
210 26 purposes of information technology services provided by the
210 27 department of administrative services. Current law excludes
210 28 the state board of regents, public broadcasting, the state
210 29 department of transportation mobile radio network, the
210 30 department of public safety law enforcement communications
210 31 systems, the telecommunications and technology commission
210 32 with respect to information technology that is unique to the
210 33 Iowa communications network, the Iowa lottery authority, a
210 34 judicial district department of correctional services, and the
210 35 Iowa finance authority from the definition of a participating



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211 1 agency.

211 2 New Code section 8A.201A provides for the appointment of

211 3 the chief information officer (CIO). The new Code section

211 4 provides that the CIO shall be appointed by the governor, and

211 5 shall have at least five years of experience in the fields of

211 6 information technology and financial management. Code section

211 7 8A.104(12), which provides that the director of the department

211 8 of administrative services shall serve as the CIO or shall

211 9 designate one, is stricken.

211 10 Code section 8A.202, concerning the mission, powers,

211 11 and duties of the department as it relates to information

211 12 technology, is amended to provide a process by which agencies

211 13 may seek a waiver for any of the requirements concerning the

211 14 acquisition of information technology. Generally, a waiver can

211 15 be granted if the requesting agency can obtain or provide the

211 16 technology more economically or a waiver would be in the best

211 17 interests of the state.

211 18 Code section 8A.203, concerning the powers and duties of

211 19 the director of the department as it relates to information

211 20 technology, is amended to provide that these powers and duties

211 21 are granted to the CIO in consultation with the director. The

211 22 section is also amended to add duties for the CIO relative to

211 23 operating the information technology aspects of the department,

211 24 rulemaking, and entering into contracts.

211 25 Code section 8A.204, establishing the technology governance

211 26 board, is amended to provide for a technology advisory council.

211 27 The bill establishes the membership of the council and provides

211 28 that the council's primary role is to advise the CIO and the

211 29 department concerning information technology services.

211 30 Code section 8A.205, concerning digital government, is

211 31 amended to provide that the department shall assist agencies in

211 32 converting printed government materials to electronic materials

211 33 which can be accessed through an internet searchable database.

211 34 Code section 8A.207, concerning the procurement of

211 35 information technology, is amended to provide that the



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212 1 department shall be the sole provider of infrastructure
212 2 services to state agencies and shall develop policies
212 3 and procedures that apply to all information technology
212 4 acquisitions by state agencies.
212 5 Code section 8A.221, establishing the IowAccess advisory
212 6 council, is rewritten by the bill. The bill eliminates
212 7 the advisory council and provides that the department shall
212 8 establish IowAccess and shall have the powers relative to
212 9 IowAccess previously granted the IowAccess advisory council
212 10 relative to setting rates and approving projects.
212 11 Code section 8A.223, providing for an annual technology
212 12 audit of the electronic transmission system by which government
212 13 records are transmitted electronically to the public, is
212 14 repealed and the requirement in Code section 8A.111 to submit
212 15 an annual report concerning the audit is stricken.
212 16 The division directs the department of administrative
212 17 services to consult with and explore opportunities with the
212 18 legislative and judicial branches of government relative to the
212 19 providing of information technology services to those branches
212 20 of government.
212 21 This division of the bill also requires the chief
212 22 information officer of the state to conduct a study regarding
212 23 convenience fees charged by state agencies by credit or debit
212 24 card or other electronic means of payment. The study shall
212 25 determine the fees charged and the revenue generated by the
212 26 fees, and shall explore ways to reduce or eliminate these fees.
212 27 The division of the bill also directs state agencies to
212 28 utilize electronic mail to notify holders of permits and
212 29 licenses that the license or permit needs to be renewed.
212 30 DIVISION II == ELECTRONIC RECORDS. Code section 7A.11A,
212 31 concerning reports to the general assembly, is amended to
212 32 eliminate the requirement that a printed copy of all reports
212 33 be filed with the general assembly. The requirement to file
212 34 reports electronically remains.
212 35 The division of the bill provides that the departments of



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213 1 administrative services and cultural affairs, in consultation
213 2 with the state records commission, shall conduct a study on and
213 3 make recommendations for the creation, storage, and retention
213 4 of state agency records in an electronic format and shall
213 5 submit a report containing the recommendations to the general
213 6 assembly by December 15, 2010. In conducting the study, the
213 7 departments shall collect and assess information from each
213 8 state agency that includes an inventory of each agency's
213 9 records including the types of agency records as well as agency
213 10 records series retention and disposition schedules. The
213 11 assessment shall include agency records identified as having
213 12 permanent historical value by the state records commission.
213 13 The departments shall also describe in the report what
213 14 efficiencies and cost-saving efforts could be achieved through
213 15 the creation, storage, and maintenance of such records in an
213 16 electronic format.

213 17 DIVISION III == PUBLICATION MODERNIZATION. The bill amends
213 18 a number of provisions which allow the legislative council
213 19 and the legislative services agency to control information
213 20 used to publish official legal publications (the Iowa Acts,
213 21 the Iowa Code, the Iowa administrative bulletins, the Iowa
213 22 administrative code, and the Iowa court rules). The bill
213 23 provides for their publication and official designation,
213 24 including production and distribution in an electronic or
213 25 printed form, and for their official publication date for
213 26 editing and revision changes. The bill provides procedures
213 27 for payment by persons receiving or purchasing legislative
213 28 services agency publications and authorizes the creation
213 29 of a publications revolving fund. The bill provides for
213 30 the publication of the entire Iowa Code each year or the
213 31 Iowa Code and the Code Supplement in alternating years. It
213 32 updates provisions to conform with current practice including
213 33 detailing the contents of the publications. It accounts for
213 34 computer programming necessary to distribute publications in an
213 35 electronic format, and provides for citing and authenticating



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214 1 provisions in those publications in order to conform to current
214 2 practice and to better accommodate electronic publication.

214 3 The bill amends provisions requiring state agencies to
214 4 deposit copies of state publications with the department of
214 5 education's division of libraries and information services, by
214 6 requiring that the publications be provided in an electronic
214 7 format.

214 8 DIVISION IV == ELECTRONIC PUBLICATION OF PUBLIC NOTICES.
214 9 Division IV of the bill relates to the publication of notices,
214 10 actions, and other information by governmental bodies, as
214 11 defined in the division. Under the division, a governmental
214 12 body that is required by statute to publish, or post in a
214 13 public place, a notice, action, or other information, may, in
214 14 lieu of such requirements, post the notice, action, or other
214 15 information on an internet site if posting such information on
214 16 an internet site has been authorized, by ordinance, resolution,
214 17 or other official action of the governmental body and the type
214 18 of notice, action, or other information required to be posted
214 19 is identified in the ordinance, resolution, or other official
214 20 action. The governmental body must also identify a location
214 21 where such notice, action, or information will be available for
214 22 public inspection.

214 23 The division does not allow notices under Code chapter 6B
214 24 ("Procedure Under Eminent Domain"), notices under Code chapter
214 25 17A, notices provided under the rules of civil procedure, or
214 26 any notice required to be given by personal service to be
214 27 posted on an internet site in lieu of publication or service.

214 28 The division requires notices, actions, or other information
214 29 posted on an internet site to include all information otherwise
214 30 required to be published and requires compliance with all
214 31 provisions relating to the date of publication.

214 32 The division also requires an internet site used to post
214 33 notices, actions, and other information to be operated and
214 34 maintained by the governmental body; accessible at all times by
214 35 the public, including the visually impaired; accessible to the



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215 1 public without charge; and searchable. All information posted
215 2 on an internet site under the division shall be maintained
215 3 and accessible through the same internet site address for as
215 4 long as required by law or as long as such information is
215 5 customarily maintained by the governmental body, whichever is
215 6 longer.

215 7 The division requires a governmental body to make all
215 8 information posted on the internet site, in lieu of publication
215 9 or posting in a public place, available in a paper format in
215 10 the governmental body's office.

215 11 STATE BUDGETING AND PERSONNEL PRACTICES.

215 12 DIVISION V == STATE BUDGETING AND PERSONNEL. Code section
215 13 8.36A, concerning full-time equivalent (FTE) positions, is
215 14 amended to provide that state agencies shall not convert FTE
215 15 positions into contract positions and that state agencies
215 16 shall have their FTE position authorization reduced if a
215 17 position remains unfilled and vacant for six months. The bill
215 18 provides that the state agency can request the director of the
215 19 department of management to allow the conversion of an FTE to
215 20 a contract position if the conversion will provide comparable
215 21 or increased services at reduced cost or to permit the agency
215 22 to retain a vacant FTE position if the position is hard to fill
215 23 and critical to the agency.

215 24 Code section 8.62, concerning the use of retained reversion
215 25 money for employee training, is amended to provide that
215 26 an agency can use such reversion money for internet-based
215 27 training. Current law does not specify that the training be
215 28 internet-based.

215 29 Code section 8A.413 is amended to require the department of
215 30 administrative services to adopt merit system rules for the
215 31 development and operation of programs within the executive
215 32 branch to promote job sharing, telecommuting, and flex-time
215 33 employment opportunities.

215 34 This division of the bill also requires each judicial
215 35 district department of correctional services to utilize the



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216 1 state accounting system for tracking both appropriations and
216 2 expenditures, requires state agencies to budget and plan for
216 3 lean events, and encourages state agencies to share resources
216 4 and services.

216 5 This division also addresses state budgeting practices
216 6 for FY 2010=2011. Each executive branch agency is required
216 7 to separately track the budget and actual expenditures for
216 8 contract services and for employee training. The terms of the
216 9 contracts entered into or revised during the fiscal year are
216 10 required to incorporate quality assurance and cost control
216 11 measures. The training tracking is also required to be further
216 12 detailed to reflect training categories and the report to
216 13 address the use of electronically based training.

216 14 This division of the bill also directs each joint
216 15 appropriations subcommittee of the general assembly to conduct
216 16 a review of fees charged by agencies within the purview of that
216 17 budget subcommittee.

216 18 DIVISION VI == SPAN OF CONTROL. This division revises
216 19 provisions contained in the 2009 Iowa Acts revising state
216 20 human resource management requirements under the department of
216 21 administrative services in Code section 8A.402 for the span of
216 22 control of supervisory employees in the executive branch.

216 23 The term "supervisory employee" is defined to mean a
216 24 public employee who has authority, in the interest of a
216 25 public employer, to hire, transfer, suspend, lay off, recall,
216 26 promote, discharge, assign, reward, or discipline other public
216 27 employees, the responsibility to direct such employees, or to
216 28 adjust the grievances of such employees, or to effectively
216 29 recommend any listed action. A supervisory employee is not
216 30 a member of a collective bargaining unit. If a supervisory
216 31 employee is being laid off as part of expanding the number
216 32 of employees in the ratio of supervisory employees to other
216 33 employees, the supervisory employee does not have the right
216 34 to replace or bump a junior employee not being laid off for a
216 35 position for which the supervisory employee is qualified.



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217 1 Current law provides for an executive branch policy to have
217 2 an aggregate ratio in the number of employees per supervisory
217 3 employee of 14 to one by the target date of July 1, 2011. The
217 4 bill instead provides for a ratio of 15 to one by fiscal year
217 5 2011=2012, with an annual incremental increase in the ratio by
217 6 one until the ratio becomes 20 to one by fiscal year 2016=2017.
217 7 Current law allows a small agency with not more than 28
217 8 full-time equivalent employees to apply for an exception.
217 9 The bill allows an additional exception when the supervisory
217 10 employee ratio is subject to a federal requirement.
217 11 The bill also provides that if layoffs are implemented, the
217 12 number of middle management position layoffs are to correspond
217 13 to the relative number of direct service position layoffs. The
217 14 state system is required to improve by specifically defining
217 15 and accounting for supervisory employees span of control.
217 16 Reporting requirements are extended to cover the multiyear
217 17 period addressed by the bill.
217 18 The exemption from the span of control requirements for
217 19 the state board of regents, department of human services,
217 20 and judicial district department of correctional services is
217 21 removed.
217 22 The division takes effect upon enactment.
217 23 ADMINISTRATION AND REGULATION.
217 24 DIVISION VII == DEPARTMENT OF ADMINISTRATIVE SERVICES ==
217 25 PURCHASING. Division VII of the bill concerns purchasing items
217 26 through and by the department of administrative services.
217 27 Code section 8A.302(1), concerning the purchase of items of
217 28 general use, is amended to eliminate the general exemption from
217 29 the requirement to purchase these items from the department of
217 30 administrative services for the department of transportation,
217 31 institutions under the control of the state board of regents,
217 32 the department for the blind, and any other agencies otherwise
217 33 exempted. The bill does authorize the department to allow
217 34 these agencies to purchase these items without utilizing the
217 35 department of administrative services if in the best interests



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218 1 of the state. A corresponding change is made to Code section
218 2 307.21 to provide that the department of transportation
218 3 may utilize centralized purchasing for itself only if the
218 4 department of administrative services so authorizes.
218 5 Code section 8A.311(10), concerning the authority of
218 6 agencies to obtain services directly from a vendor, is amended
218 7 to require the agency to obtain approval from the department
218 8 to purchase directly from a vendor. In addition, the bill
218 9 requires that a waiver may be granted if purchasing from a
218 10 vendor is more economical, and not just as economical.
218 11 New Code section 8A.311A provides authority to the
218 12 department of administrative services to require agencies to
218 13 purchase goods or services of general use as designated by
218 14 the department pursuant to a master contract negotiated by
218 15 the department. The new Code section also gives governmental
218 16 subdivisions the option to purchase goods and services pursuant
218 17 to the contract. The new Code section provides that the
218 18 department shall negotiate master contracts for a particular
218 19 service if the department determines that a high-quality
218 20 good or service can be acquired by agencies and governmental
218 21 subdivisions at lower cost through negotiation of a master
218 22 contract. The bill provides that an agency can directly
218 23 purchase the item from a vendor if the department determines
218 24 that the agency satisfies the requirements for a direct
218 25 purchase otherwise provided in Code section 8A.311(10) or is
218 26 acquired pursuant to an existing service contract.
218 27 This division of the bill also directs the department of
218 28 administrative services to require agencies to provide the
218 29 department of administrative services with reports about what
218 30 agencies plan to buy on an annual basis, require agencies
218 31 to report on an annual basis about efforts to standardize
218 32 products and services within their own agencies and with
218 33 other state agencies, require all employees who conduct
218 34 bids for services to receive training on an annual basis
218 35 about procurement rules and regulations and procurement best



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219 1 practices, identify procurement compliance employees within
219 2 the department of administrative services, review the process
219 3 and basis for establishing department of administrative
219 4 services fees for purchasing, establish a work group to
219 5 collaborate on best practices to implement the best cost
219 6 savings for the state, explore interstate and intergovernmental
219 7 purchasing opportunities and encourage the legislative and
219 8 judicial branches to participate in consolidated purchasing
219 9 and efficiencies wherever possible, and to expand the use of
219 10 procurement cards.

219 11 DIVISION VIII == DEPARTMENT OF ADMINISTRATIVE SERVICES ==
219 12 OPERATIONS. Division VIII of this bill concerns operations of
219 13 the department of administrative services.

219 14 Code section 8A.104, concerning the duties of the director
219 15 of the department, is amended to provide that a duty of the
219 16 director is to examine and develop best practices for the
219 17 efficient operation of government and to encourage state
219 18 agencies to adopt and implement these practices.

219 19 New Code section 8A.459 provides that all state employees,
219 20 by July 1, 2011, shall receive their pay and allowances through
219 21 electronic funds transfer. The new Code section allows state
219 22 employees to receive their pay and allowances through a paper
219 23 warrant but only after paying the department an administrative
219 24 fee for processing such paper warrants. The bill does allow
219 25 the department to grant a waiver from paying the administrative
219 26 fee.

219 27 This division of the bill also requires the department of
219 28 administrative services to study ways to streamline the hiring
219 29 process for personnel within state agencies.

219 30 The division also requires the department to conduct an
219 31 audit of real estate and leases of state government, study the
219 32 possibility of selling and leasing back government properties,
219 33 and to submit a report to the general assembly by January 1,
219 34 2011, concerning these audits and studies.

219 35 DIVISION IX == ALCOHOLIC BEVERAGES DIVISION ==



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220 1 REORGANIZATION. This division of this bill transfers the
220 2 alcoholic beverages division from the department of commerce
220 3 to the department of revenue.
220 4 DIVISION X == ALCOHOLIC BEVERAGES DIVISION == OPERATIONS.
220 5 This division concerns certain operations of the alcoholic
220 6 beverages division.
220 7 This division of the bill requires the administrator of the
220 8 alcoholic beverages division of the department of commerce
220 9 to close the main state warehouse keeping alcoholic liquors
220 10 every Friday for FY 2010=2011 with the authority to extend this
220 11 closure requirement for an additional fiscal year. The bill
220 12 authorizes the administrator to keep the warehouse open on
220 13 designated Fridays if anticipated sales on that Friday justify
220 14 keeping the warehouse open.
220 15 This division also restricts the number of checks conducted
220 16 to ensure licensed retail establishment compliance with tobacco
220 17 laws, regulations, and ordinances applicable to minors to one
220 18 such check for the fiscal year beginning July 1, 2010, and
220 19 ending June 30, 2011. The compliance checks are conducted
220 20 pursuant to the terms of a Code chapter 28D agreement entered
220 21 into between the division of tobacco use prevention and control
220 22 of the Iowa department of public health and the alcoholic
220 23 beverages division of the department of commerce. Pursuant
220 24 to the terms of the current agreement the alcoholic beverages
220 25 divisions contracts with state and local law enforcement to
220 26 conduct two compliance checks per licensed retail establishment
220 27 per fiscal year.
220 28 DIVISION XI == ALCOHOLIC BEVERAGES DIVISION == DIRECT
220 29 SHIPMENT OF WINE. This division of the bill authorizes the
220 30 direct shipment of wine from out-of-state wine manufacturers to
220 31 residents of this state under specified circumstances.
220 32 Current law provides that a winery licensed or permitted
220 33 pursuant to laws regulating alcoholic beverages in another
220 34 state which affords Iowa an equal reciprocal shipping privilege
220 35 may ship into this state by private common carrier, to a person



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221 1 21 years of age or older, not more than 18 liters of wine
221 2 per month, for consumption or use by the person. This bill
221 3 removes the requirement or condition of reciprocity, such that
221 4 a wine manufacturer in any state may ship wine directly to Iowa
221 5 residents, subject to the terms and conditions specified in the
221 6 bill.

221 7 The bill provides that a wine manufacturer licensed or
221 8 permitted pursuant to laws regulating alcoholic beverages
221 9 in another state must obtain a wine direct shipper license
221 10 to directly ship wine to Iowa residents. A license may be
221 11 obtained upon receipt by the administrator of the alcoholic
221 12 beverages division of the department of commerce of a written
221 13 application from a wine manufacturer, accompanied by a true
221 14 copy of the manufacturer's current alcoholic beverage license
221 15 issued in another state, and a copy of the manufacturer's
221 16 winery license issued by the federal alcohol and tobacco tax
221 17 and trade bureau. A \$25 license fee is additionally required,
221 18 and the bill specifies that a license may be annually renewed
221 19 if the information originally submitted is resubmitted each
221 20 year together with the \$25 fee.

221 21 The bill imposes certain requirements and restrictions
221 22 upon the direct shipment of wine. The bill provides that
221 23 no more than 18 liters of wine may be shipped per month by
221 24 a wine direct shipper licensee to an Iowa resident 21 years
221 25 of age or older, for the resident's personal use and not for
221 26 resale. Additionally, the wine must be properly registered
221 27 with the federal alcohol and tobacco tax and trade bureau, and
221 28 manufactured on the winery premises of the wine direct shipper
221 29 licensee. The bill further specifies that all containers of
221 30 direct shipped wine must be conspicuously labeled with the
221 31 words CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER
221 32 REQUIRED FOR DELIVERY or alternative preapproved wording, and
221 33 that the containers be shipped by a licensed alcohol carrier.

221 34 The bill requires a direct shipper licensee to remit to
221 35 the division an amount equivalent to the \$1.75 per gallon



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222 1 wine gallonage tax for deposit in the beer and liquor control
222 2 fund created in Code section 123.53, and subject to the same
222 3 time, manner, and penalty requirements or provisions as are
222 4 otherwise applicable to the tax. The bill maintains sales and
222 5 use tax exemptions, and refund value exemptions, currently
222 6 applicable to reciprocal shipments of wine in Code section
222 7 123.187. Additionally, the bill provides that a direct shipper
222 8 licensee shall be deemed to have consented to the jurisdiction
222 9 of the division or any other agency or court in the state, and
222 10 that the division may perform an audit of shipping records upon
222 11 request.

222 12 The bill specifies that an alcohol carrier license shall
222 13 be issued subject to requirements, fees, and upon application
222 14 forms to be determined by the administrator by rule. An
222 15 alcohol carrier licensee shall not be authorized to deliver
222 16 wine to any person under 21 years of age, or to any person
222 17 who either is or appears to be in an intoxicated state or
222 18 condition. The bill requires a licensee to obtain valid proof
222 19 of identity and age prior to delivery, and the signature of an
222 20 adult. The bill imposes specified recordkeeping requirements
222 21 as a condition of maintaining an alcohol carrier license.

222 22 The bill maintains the current provision that the holder of
222 23 a permit for the sale or manufacture and sale of wine issued
222 24 by the division shall be authorized under that permit to ship
222 25 out of state by private common carrier, to a person 21 years of
222 26 age or older, not more than 18 liters of wine per month, for
222 27 consumption or use by the person.

222 28 The bill subjects violators of the bill's provisions to the
222 29 license suspension and revocation provisions, and civil penalty
222 30 provisions, otherwise applicable to permittees in Code section
222 31 123.39.

222 32 DIVISION XII == DEPARTMENT OF HUMAN RIGHTS ==
222 33 REORGANIZATION. This division of this bill concerns
222 34 the department of human rights. The bill reorganizes the
222 35 department into three divisions, the new division of community



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223 1 advocacy and services, the current division of community
223 2 action agencies, and the current division of criminal and
223 3 juvenile justice planning. The current divisions of Latino
223 4 affairs, status of women, persons with disabilities, deaf
223 5 services, status of African Americans, Iowans of Asian and
223 6 Pacific Islander heritage, and Native American affairs,
223 7 are redesignated as offices and are included within the new
223 8 division of community advocacy and services. The bill also
223 9 provides that the administrators of the various divisions
223 10 of the department, currently appointed by the governor,
223 11 are eliminated. However, administrators appointed by the
223 12 department director are retained for the three remaining
223 13 divisions. In addition, except for the commission on Native
223 14 American affairs, all commissions within the new division of
223 15 community advocacy and services are limited to seven voting
223 16 members. The current human rights administrative=coordinating
223 17 council is stricken and replaced with a human rights board.
223 18 In addition, the bill reassigns duties and responsibilities
223 19 between the offices and commissions within the department. The
223 20 various subchapters of Code chapter 216A are amended by the
223 21 bill as follows:

223 22 ADMINISTRATION:

223 23 Code section 216A.1 is amended to establish that the
223 24 department consists of three new divisions, the division of
223 25 community advocacy and services, the division of community
223 26 action agencies, and the division of criminal and juvenile
223 27 justice planning, and renames the current divisions now
223 28 included within the division of community advocacy and services
223 29 of the department as offices.

223 30 Code section 216A.2, concerning the department director and
223 31 administrators, is amended. The bill maintains current law
223 32 that provides that the director of the department of human
223 33 rights is appointed by the governor, subject to confirmation
223 34 by the senate. However, the bill provides that the current
223 35 administrators of the various divisions of the department,



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224 1 appointed by the governor, are eliminated. In addition, the
224 2 bill also provides that the department director is responsible
224 3 for appointing the personnel of the department. The rewritten
224 4 Code section also provides that the department director has
224 5 the authority to solicit gifts on behalf of the department,
224 6 commissions, or offices, and can enter into contracts, and
224 7 issue reports on behalf of the department.
224 8 Code section 216A.3, concerning the human rights
224 9 administrative=coordinating council, is stricken and replaced
224 10 with a human rights board. The new board consists of nine
224 11 voting members and five nonvoting members. The nine voting
224 12 members shall be selected by the applicable permanent
224 13 commissions and councils of the department and two additional
224 14 voting members shall be appointed by the governor. The
224 15 nonvoting members shall consist of the director of the
224 16 department and four members of the general assembly. Current
224 17 law provides that the administrator of each division of the
224 18 department is a member of the eliminated council. The bill
224 19 provides that the duties of the board include adopting the
224 20 proposed budget for the department, adopting rules of the
224 21 department, and developing a comprehensive strategic plan for
224 22 the department. The bill also provides that any substantive
224 23 action taken by the board must be adopted by a two-thirds vote.
224 24 New Code section 216A.7 provides that the director or an
224 25 administrator of one of the divisions created by this bill
224 26 shall have access to nonconfidential information of state
224 27 entities that is relevant to the department upon request.
224 28 DIVISION OF LATINO AFFAIRS:
224 29 The bill renames the division of Latino affairs as the office
224 30 of Latino affairs and eliminates the administrator position.
224 31 Code section 216A.12, concerning the commission of Latino
224 32 affairs, is amended by the bill. The bill provides that the
224 33 commission shall consist of seven and not nine members, shall
224 34 meet at least quarterly each year, and establishes a mechanism
224 35 for a member not to vote on a matter in which the person has



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225 1 a conflict of interest. Code section 216A.13, concerning the
225 2 organization of the commission, is repealed and the substance
225 3 of that Code section is moved to the rewritten Code section
225 4 216A.12.
225 5 Code section 216A.14, concerning commission employees, is
225 6 stricken and rewritten by the bill. Current law granting
225 7 authority to the commission to employ personnel is stricken
225 8 as this authority is provided to the department director in
225 9 the bill. The rewritten Code section provides for the duties
225 10 of the office of Latino affairs. The bill transfers to the
225 11 office current duties of the commission concerning assistance
225 12 to state agencies and other public organizations relative to
225 13 Latino persons, training, and work. The bill eliminates the
225 14 requirement to establish a Latino information center.
225 15 Code section 216A.15, concerning the duties of the
225 16 commission on Latino affairs, is amended to strike those duties
225 17 transferred to the office of Latino affairs. In addition, the
225 18 bill also strikes the authority of the commission to adopt
225 19 rules.
225 20 Code section 216A.16, concerning commission powers to accept
225 21 gifts, solicit grants, and enter into contracts, and Code
225 22 section 216A.17, concerning a commission biennial report, are
225 23 repealed by the bill.
225 24 DIVISION ON THE STATUS OF WOMEN:
225 25 The bill renames the division on the status of women as the
225 26 office on the status of women and eliminates the administrator
225 27 position.
225 28 Code section 216A.52, creating the commission on the status
225 29 of women, Code section 216A.53, concerning commission terms of
225 30 office, and Code section 216A.54, concerning the meetings of
225 31 the commission, are stricken and the Code sections rewritten
225 32 by the bill.
225 33 Rewritten Code section 216A.52 establishes the duties of
225 34 the office on the status of women which include some duties
225 35 currently assigned to the commission. The bill provides that



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226 1 the office shall serve as the primary advocate for, and shall
226 2 provide assistance and information relative to, women and
226 3 girls.
226 4 Rewritten Code section 216A.53 establishes the commission.
226 5 Provisions of current Code sections 216A.52, 216A.53, and
226 6 216A.54, are modified and included in this rewritten Code
226 7 section. The bill changes current law by reducing the number
226 8 of commission members from 13 to seven, providing that all
226 9 members must reside in Iowa and that the commission must meet
226 10 at least quarterly, instead of at least six times per year.
226 11 The rewritten Code section also specifies what constitutes a
226 12 quorum, what vote is necessary for substantive action, and
226 13 includes a conflict of interest provision for members.
226 14 Rewritten Code section 216A.54 establishes the powers and
226 15 duties of the commission. The Code section provides that the
226 16 commission shall study opportunities for and changing needs
226 17 of women and girls, serve as a liaison between the office and
226 18 the public, recommend rules for the commission and office, the
226 19 new human rights board, and recommend proposed policies and
226 20 legislation.
226 21 Code section 216A.55, concerning the objectives of the
226 22 commission, and Code section 216A.56, concerning the authority
226 23 of the commission to employ personnel and set the budget, are
226 24 repealed by the bill.
226 25 Code sections 216A.57 and 216A.58, concerning the duties and
226 26 authority of the commission, are repealed. Current law allowed
226 27 the commission to hold hearings, enter into contracts, and
226 28 accept grants of money or property.
226 29 Code section 216A.59, concerning access to information,
226 30 is repealed. The authority granted in this Code section is
226 31 provided to the department director and administrators of the
226 32 department, in new Code section 216A.7.
226 33 Code section 216A.60, concerning a commission annual report,
226 34 is repealed.
226 35 DIVISION OF PERSONS WITH DISABILITIES:



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227 1 The bill renames the division of persons with disabilities
227 2 as the office of persons with disabilities and eliminates the
227 3 administrator position.
227 4 Code section 216A.72 is stricken and rewritten by the
227 5 bill to establish the duties of the office of persons with
227 6 disabilities. The duties currently assigned to the commission
227 7 of persons with disabilities and specified in current Code
227 8 section 216A.77, subsections 1 through 6, are modified and
227 9 transferred to the office.
227 10 Code section 216A.73, providing for ex officio members of
227 11 the commission, is repealed.
227 12 Code section 216A.74, concerning the membership of the
227 13 commission, is stricken and rewritten by the bill to include
227 14 the membership of the commission which is reduced from 24 ex
227 15 officio and voting members to seven voting members, the terms
227 16 of office, and officers of the commission, currently provided
227 17 in Code sections 216A.74 through 216A.76. The rewritten Code
227 18 section also specifies that the commission must meet at least
227 19 quarterly, what constitutes a quorum, what vote is necessary
227 20 for substantive action, and includes a conflict of interest
227 21 provision for members.
227 22 Code section 216A.75, is stricken and rewritten by the bill,
227 23 to provide for the duties of the commission. The Code section
227 24 provides that the commission shall study opportunities for and
227 25 changing needs of persons with disabilities, serve as a liaison
227 26 between the office and the public, recommend to the new board
227 27 rules for the commission and office, and recommend proposed
227 28 policies and legislation.
227 29 Code section 216A.76, concerning officers of the commission,
227 30 and Code section 216A.77, concerning duties of the commission,
227 31 are repealed.
227 32 Code section 216A.78, concerning the administrator, and Code
227 33 section 216A.79, concerning acceptance of gifts and grants, are
227 34 repealed.
227 35 DIVISION OF COMMUNITY ACTION AGENCIES:



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228 1 The bill maintains the division of community action agencies
228 2 as a division but modifies some of the division's functions.
228 3 Code section 216A.92, concerning duties of the
228 4 administrator, is stricken and rewritten to provide that the
228 5 division shall provide assistance to implement community action
228 6 programs, administer low-income energy assistance block grants,
228 7 administer department of energy funds for weatherization,
228 8 implement accountability measures, and issue an annual report.
228 9 Code section 216A.92A, concerning the commission of
228 10 community action agencies, is amended to specify that the
228 11 commission must meet at least four times per year.
228 12 Code section 216A.92B, concerning the duties of the
228 13 commission, is rewritten by the bill. The bill provides that
228 14 the commission shall supervise collection of data on services
228 15 provided by community action agencies, serve as a liaison
228 16 between the division and the public, recommend to the new board
228 17 rules for the commission and division, and recommend proposed
228 18 policies and legislation.
228 19 Code section 216A.93, concerning establishment of community
228 20 action agencies, is amended to provide that if any geographic
228 21 area in the state ceases to be served by a community action
228 22 agency, the division may assist the governor in designating an
228 23 agency for that area.
228 24 Code section 216A.101, concerning an emergency
228 25 weatherization fund, and Code section 216A.103, establishing an
228 26 Iowa affordable heating program, are repealed.
228 27 Code section 216A.107, concerning the family development
228 28 and self-sufficiency council, is amended to specify what
228 29 constitutes a quorum, what vote is necessary for substantive
228 30 action, and includes a conflict of interest provision for
228 31 members.
228 32 DIVISION OF DEAF SERVICES:
228 33 The bill renames the division of deaf services as the office
228 34 of deaf services and eliminates the administrator position.
228 35 Code section 216A.112, creating the commission of deaf



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229 1 services, and Code section 216A.113, granting authority to the
229 2 commission to employ staff, are stricken and the Code sections
229 3 rewritten.
229 4 Rewritten Code section 216A.112 establishes the duties of
229 5 the office of deaf services.
229 6 Rewritten Code section 216A.113 creates the commission.
229 7 Current provisions of Code section 216A.112 are transferred to
229 8 this Code section which specifies that the commission must meet
229 9 at least quarterly, what constitutes a quorum, what vote is
229 10 necessary for substantive action, and includes a conflict of
229 11 interest provision for members.
229 12 Code section 216A.114, concerning the powers and duties
229 13 of the commission, is rewritten by the bill. The bill
229 14 provides that the commission shall study the needs of deaf
229 15 and hard-of-hearing people, serve as a liaison between the
229 16 office and the public, recommend to the new board rules for the
229 17 commission and office, provide input to the department director
229 18 concerning the budget, and recommend proposed policies and
229 19 legislation.
229 20 Code section 216A.115, concerning the powers of the
229 21 commission that include the ability to accept grants and enter
229 22 into contracts, is repealed by the bill.
229 23 Code section 216A.116, concerning a report of the
229 24 commission, is repealed by the bill.
229 25 Code section 216A.117, which creates the interpretation
229 26 services account, is repealed by the bill. The account
229 27 provides moneys to deaf services for continued and expanded
229 28 interpretation services.
229 29 DIVISION OF CRIMINAL AND JUVENILE JUSTICE PLANNING:
229 30 The bill keeps the division of criminal and juvenile justice
229 31 planning.
229 32 New Code section 216A.131A establishes the division to
229 33 perform the duties required in this subchapter.
229 34 Code section 216A.132, concerning the criminal and juvenile
229 35 justice planning council, is amended to provide that the



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230 1 council must appoint a chairperson and vice chairperson, to
230 2 establish what constitutes a quorum and a majority to take
230 3 affirmative action, and to establish a conflict of interest
230 4 provision for members.
230 5 Code section 216A.133, concerning duties of the council, is
230 6 amended by adding additional duties. The additional duties
230 7 include assisting agencies in using criminal juvenile justice
230 8 data, serving as a liaison between the division and the public,
230 9 adopting rules for the council and division, providing input to
230 10 the department director concerning the budget, and recommending
230 11 proposed policies and legislation.
230 12 DIVISION ON THE STATUS OF AFRICAN AMERICANS:
230 13 The bill renames the division on the status of African
230 14 Americans as the office on the status of African Americans and
230 15 eliminates the administrator position.
230 16 Code section 216A.142, concerning the commission on the
230 17 status of African Americans, is rewritten by the bill. The
230 18 rewritten Code section reduces the number of members of the
230 19 commission from nine to seven, provides that the members must
230 20 reside in Iowa, provides for the terms of office, requires the
230 21 appointment of a chairperson and vice chairperson, establishes
230 22 quorum and majority vote requirements, and establishes a
230 23 conflict of interest provision for members.
230 24 Code section 216A.143, concerning meetings of the
230 25 commission, is stricken and rewritten by the bill to establish
230 26 the powers and duties of the commission. The bill provides
230 27 that the commission shall study the needs of the African
230 28 American community, serve as a liaison between the office and
230 29 the public, recommend to the new board rules for the commission
230 30 and office, establish advisory committees, and recommend
230 31 proposed policies and legislation.
230 32 Code section 216A.144, concerning objectives of the
230 33 commission, is repealed by the bill.
230 34 Code section 216A.145, concerning the authority of the
230 35 administrator, is repealed.



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231 1 Code section 216A.146, concerning the duties of the
231 2 commission, is amended by the bill to establish the office on
231 3 the status of African Americans and provide for the duties of
231 4 the office.
231 5 Code section 216A.147, concerning additional authority for
231 6 the commission, Code section 216A.148, concerning access to
231 7 information, and Code section 216A.149, concerning an annual
231 8 report, are repealed by the bill.
231 9 DIVISION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC
231 10 ISLANDER HERITAGE:
231 11 The bill renames the division on the status of Iowans of
231 12 Asian and Pacific Islander heritage as the office on the status
231 13 of Iowans of Asian and Pacific Islander heritage and eliminates
231 14 the administrator position.
231 15 Code sections 216A.152, 216A.153, and 216A.154, concerning
231 16 the commission on the status of Iowans of Asian and Pacific
231 17 Islander heritage, are stricken and included in rewritten
231 18 Code section 216A.152. The rewritten Code section reduces
231 19 the number of members of the commission from nine to seven,
231 20 and also specifies that the members must reside in Iowa, the
231 21 commission must meet at least quarterly, what constitutes a
231 22 quorum, what vote is necessary for substantive action, and
231 23 includes a conflict of interest provision for members.
231 24 Rewritten Code section 216A.153 provides for the powers
231 25 and duties of the commission. The bill provides that the
231 26 commission shall study the needs of Asian and Pacific Islanders
231 27 in this state, serve as a liaison between the office and the
231 28 public, recommend to the new board rules for the commission and
231 29 office, establish advisory committees, and recommend proposed
231 30 policies and legislation.
231 31 Rewritten Code section 216A.154 establishes the office on
231 32 the status of Iowans of Asian and Pacific Islander heritage and
231 33 its duties.
231 34 Code section 216A.155, concerning the duties of the
231 35 commission, is repealed.



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232 1 Code section 216A.156, concerning review of grant
232 2 applications and budget requests, Code section 216A.157,
232 3 concerning additional commission authority, Code section
232 4 216A.158, concerning employees and responsibility, Code section
232 5 216A.159, concerning state agency assistance, and Code section
232 6 216A.160, concerning an annual report, are repealed by the
232 7 bill.

232 8 DIVISION ON NATIVE AMERICAN AFFAIRS:

232 9 The bill renames the division on Native American affairs
232 10 as the office on Native American affairs and eliminates the
232 11 administrator position.

232 12 Code section 216A.162, concerning the commission on Native
232 13 American affairs, is amended to provide for the appointment
232 14 of a chairperson, quarterly meetings, compensation, what
232 15 constitutes a quorum, what vote is necessary for substantive
232 16 action, and includes a conflict of interest provision for
232 17 members. Code section 216A.164, concerning meetings of
232 18 the commission, is repealed and the substance of these Code
232 19 sections incorporated in Code section 216A.162.

232 20 Code section 216A.165, concerning duties of the commission,
232 21 is rewritten to provide that the duties are studying
232 22 opportunities for and changing needs of Native American
232 23 persons, serving as a liaison between the office and the
232 24 public, recommending to the new board rules for the commission
232 25 and office, establishing advisory committees, and recommending
232 26 proposed policies and legislation.

232 27 Code section 216A.166 is amended to establish the office on
232 28 Native American affairs and its duties.

232 29 Code section 216A.167, concerning additional duties of
232 30 the commission, is amended by striking the authority of the
232 31 commission concerning the budget of the commission and office
232 32 and the ability to enter into contracts and accept gifts.

232 33 Code section 216A.168, concerning the administrator, Code
232 34 section 216A.169, concerning state agency assistance, and Code
232 35 section 216A.170, concerning an annual report, are repealed by



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233 1 the bill.
233 2 The bill also establishes transition provisions relative to
233 3 the reorganization of the department as provided in the bill.
233 4 As part of these provisions, the bill ends the terms of all
233 5 members of commissions which have the number of voting members
233 6 reduced by the bill as of July 1, 2010.
233 7 DIVISION XIII == GAMBLING SETOFFS. Division XIII of the bill
233 8 relates to the setoff of debts from gambling winnings.
233 9 Currently, a debtor who wins money on a wager at a racetrack,
233 10 excursion gambling boat, or gambling structure in this state
233 11 is subject to a setoff from those winnings of the amount of
233 12 debt owed if the winnings are equal to or greater than \$10,000.
233 13 Division XIII amends Code sections 99D.28 and 99F.19 so that
233 14 debtors who win \$1,200 or more are subject to the setoff.
233 15 DIVISION XIV == DEPARTMENT OF MANAGEMENT == FINANCIAL
233 16 ADMINISTRATION REORGANIZATION. Division XIV of the bill
233 17 transfers the financial administration duties of the department
233 18 of administrative services to the department of management. In
233 19 addition, the bill requires the department of management to
233 20 establish a centralized payroll system for all state agencies.
233 21 This division also requires the department of management
233 22 to explore the possibility of merging all state payroll
233 23 systems within the centralized payroll system operated by the
233 24 department.
233 25 DIVISION XV == ADMINISTRATION AND REGULATION APPROPRIATIONS.
233 26 This division of the bill appropriates money to the department
233 27 of revenue to hire additional auditors and to the department
233 28 of management to create and fill an additional position in the
233 29 office of grants enterprise management.
233 30 AGRICULTURE AND NATURAL RESOURCES.
233 31 DIVISION XVI == ELIMINATION OF STATE ENTITIES ASSOCIATED
233 32 WITH THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP. This
233 33 division eliminates entities associated with the department of
233 34 agriculture and land stewardship.
233 35 RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE. This



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234 1 bill eliminates the renewable fuels and coproducts advisory
234 2 committee established in the department of agriculture and land
234 3 stewardship (Code section 159A.4). The committee consists of
234 4 persons heading state agencies or their designees, including
234 5 the department of agriculture and land stewardship, the
234 6 department of economic development, the state department of
234 7 transportation, and the office of energy independence; and
234 8 persons representing persons interested in renewable fuels
234 9 including retail motor fuel dealers, petroleum refiners,
234 10 farmers (with special representation for livestock producers,
234 11 corn growers, and soybean producers), and renewable fuel
234 12 producers. The committee advises the department of agriculture
234 13 and land stewardship and other persons regarding the production
234 14 and consumption of renewable fuels and coproducts, but does not
234 15 control policy decisions (Code section 159A.5). Departmental
234 16 programs to encourage the production and consumption of
234 17 renewable fuels and coproducts are administered by the office
234 18 of renewable fuels and coproducts.
234 19 ORGANIC ADVISORY COUNCIL. The bill eliminates an organic
234 20 advisory council established within the department of
234 21 agriculture and land stewardship (Code section 190C.2). The
234 22 council is composed of persons who operate farms producing
234 23 organic agricultural products, operate businesses processing
234 24 organic agricultural products, and operate businesses handling
234 25 or selling organic agricultural products. It also includes
234 26 persons who have earned an educational degree and have
234 27 experience in agricultural or food science, and persons who are
234 28 interested in the public interest, the natural environment,
234 29 or consumers. The advisory council is required to assist the
234 30 department of agriculture and land stewardship in developing
234 31 policies, establishing and changing fees, providing advice, and
234 32 promoting organic agricultural products in compliance with the
234 33 state organic program (Code section 190C.2A). The department
234 34 retains its statutory duties and powers to administer the
234 35 program.



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235 1 DIVISION XVII == ELIMINATION OF STATE ENTITIES ASSOCIATED
235 2 WITH THE DEPARTMENT OF NATURAL RESOURCES' CONTROL OF THE
235 3 NATURAL HABITAT. The bill eliminates entities established
235 4 within the department of natural resources that carry out
235 5 duties associated with the conservation of fish, wildlife,
235 6 and habitat generally under the jurisdiction of the natural
235 7 resource commission.
235 8 STATE ADVISORY BOARD FOR PRESERVES. The bill eliminates
235 9 the state advisory board for preserves established within the
235 10 department of natural resources (Code section 465C.2). The
235 11 board consists of the director of the department of natural
235 12 resources and persons with a demonstrated interest in the
235 13 preservation of natural lands and waters, and historic sites.
235 14 The board is responsible for approving areas as preserves,
235 15 recommending that land owned by the state be dedicated as
235 16 part of the state preserve system or recommending acquisition
235 17 of area to be so dedicated, monitoring habitats for species,
235 18 promoting research and education pertaining to state preserves,
235 19 and advising persons managing natural areas (Code section
235 20 465C.8). The bill requires that the natural resource
235 21 commission assume these functions. The bill eliminates the
235 22 board's representative on the Brushy creek recreation area
235 23 trails advisory board, and reduces the total number of members
235 24 on the advisory board from nine to seven to achieve an odd
235 25 number of members (Code section 455A.8), but allows the current
235 26 members to continue their terms.
235 27 SUSTAINABLE NATURAL RESOURCE FUNDING ADVISORY COMMITTEE.
235 28 The bill eliminates the sustainable natural resource funding
235 29 advisory committee (2008 Iowa Acts, chapter 1080). The
235 30 committee is composed of state officials including the director
235 31 of the department of natural resources, a commissioner of a
235 32 soil and water conservation district, and representatives of
235 33 persons interested in the natural environment, agriculture,
235 34 land improvement, renewable fuels, rivers, and wildlife. It
235 35 also includes four members of the general assembly who serve as



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236 1 ex officio, nonvoting members. The committee is required to
236 2 submit a report to the general assembly in 2010.
236 3 The committee's elimination takes effect upon enactment.
236 4 UPLAND GAME BIRD STUDY ADVISORY COMMITTEE. The bill
236 5 eliminates the upland game bird study advisory committee
236 6 established to restore sustainable and socially acceptable
236 7 populations of pheasants and quail in the state to maximize
236 8 the economic value of upland game bird hunting to Iowa's
236 9 economy (2009 Iowa Acts, ch.144, section 49). The committee
236 10 is composed of persons representing organizations associated
236 11 with conservation, farming, hunting, realty, environmental
236 12 protection, and land management; Iowa's United States senators;
236 13 federal agencies responsible for fish and wildlife and farm
236 14 policy; and the department of agriculture and land stewardship,
236 15 the department of natural resources, the department of economic
236 16 development, the state department of transportation, and the
236 17 state soil conservation committee. It also includes four
236 18 members of the general assembly. The committee is required to
236 19 submit a final report to the governor and the general assembly
236 20 by January 10, 2010.
236 21 The committee's elimination takes effect upon enactment.
236 22 DIVISION XVIII == ELIMINATION OF STATE ENTITIES ASSOCIATED
236 23 WITH THE DEPARTMENT OF NATURAL RESOURCES == IOWA CLIMATE CHANGE
236 24 ADVISORY COUNCIL. The bill eliminates the Iowa climate change
236 25 advisory council established within the department of natural
236 26 resources (Iowa Code section 455B.851). The council consists
236 27 of persons engaged in academic and research institutions,
236 28 farming, public transit, utilities, environmental protection,
236 29 business, energy conservation, renewable fuel promotion,
236 30 local government, and alternative energy production. It also
236 31 includes four ex officio, nonvoting members of the general
236 32 assembly. The council was responsible for developing multiple
236 33 scenarios designed to reduce statewide greenhouse gas emissions
236 34 in order to reduce such emissions by 50 percent by 2050. The
236 35 council was required to submit a proposal by January 1, 2009.



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237 1 The department is still required to submit a report to the
237 2 governor and the general assembly regarding the greenhouse gas
237 3 emissions in the state during the previous calendar year and
237 4 forecasting trends in such emissions.
237 5 The council's elimination takes effect upon enactment.
237 6 DIVISION XIX == ELIMINATION OF STATE ENTITIES ASSOCIATED
237 7 WITH IOWA STATE UNIVERSITY == LIVESTOCK HEALTH ADVISORY
237 8 COUNCIL. The bill eliminates the livestock health advisory
237 9 council. The council consists of persons involved in the
237 10 production of beef cattle, dairy cattle, swine, sheep, and
237 11 poultry. It also includes one practicing veterinarian. The
237 12 council makes recommendations to Iowa state university college
237 13 of veterinary medicine regarding the expenditure of moneys
237 14 appropriated to the college.
237 15 The bill transfers provisions providing for financial
237 16 support received by the college, and establishing a special
237 17 fund dedicated to support the college, to Code chapter 266
237 18 establishing Iowa state university.
237 19 DIVISION XX == NATURAL RESOURCES == BOARDS AND COMMISSIONS.
237 20 This division of the bill relates to the elimination of certain
237 21 boards, councils, and committees.
237 22 The division eliminates the state advisory board for
237 23 preserves and transfers all powers and duties of the board to
237 24 the natural resource commission. The division makes conforming
237 25 amendments.
237 26 The division eliminates the climate change advisory council
237 27 effective July 1, 2011, and provides that, beginning July 1,
237 28 2011, the department of natural resources may periodically
237 29 forward recommendations to the environmental protection
237 30 commission designed to encourage the reduction of statewide
237 31 greenhouse gas emissions. The division makes conforming
237 32 amendments.
237 33 The division eliminates, upon enactment, the sustainable
237 34 natural resource funding advisory committee which was to be
237 35 repealed on July 1, 2010.



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238 1 The division eliminates, upon enactment, the upland game
238 2 bird study advisory committee.
238 3 DIVISION XXI == IOWA COMPREHENSIVE PETROLEUM UNDERGROUND
238 4 STORAGE TANK FUND BOARD. Division XXI relates to the
238 5 elimination of the Iowa comprehensive petroleum underground
238 6 storage tank fund board. This division transfers all
238 7 administrative duties of the board to the department of natural
238 8 resources and, in the case of approval of certain contracts
238 9 and duties pursuant to Code chapter 17A, to the environmental
238 10 protection commission. The division makes conforming
238 11 amendments.
238 12 ECONOMIC DEVELOPMENT.
238 13 DIVISION XXII == ECONOMIC DEVELOPMENT == COMMITTEES AND
238 14 COUNCILS. Division XXII of this bill relates to the duties
238 15 of certain boards, committees, and councils in the areas of
238 16 cultural affairs and economic development. The bill eliminates
238 17 some boards, committees, and councils and reassigns some of
238 18 their functions to other state governmental bodies.
238 19 Code section 15.108, subsection 7, paragraph "h", provides
238 20 for a small business advisory council and requires the
238 21 department of economic development to provide assistance to it.
238 22 Division XXII eliminates this council.
238 23 Code section 15.203 provides for the establishment of an
238 24 agricultural products advisory council, and Code section
238 25 15G.115 provides a role for this council in approving
238 26 applications for financial assistance under the value-added
238 27 agriculture component of the grow Iowa values fund. This
238 28 division eliminates this council and removes references to the
238 29 council from the provisions of the grow Iowa values fund and
238 30 financial assistance program. With the elimination of the
238 31 council, applications for assistance under the value-added
238 32 agriculture component of the grow Iowa values fund will be
238 33 considered by the due diligence committee of the economic
238 34 development board.
238 35 Code section 15.114 provides for the establishment of



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239 1 a microenterprise development advisory committee by the
239 2 department of economic development. This division eliminates
239 3 this committee.

239 4 DIVISION XXIII == CONSOLIDATION OF HOUSING PROGRAMS.
239 5 Division XXIII of the bill transfers authority for the
239 6 administration of the shelter assistance fund from the
239 7 department of economic development to the Iowa finance
239 8 authority.

239 9 Division XXIII of the bill also directs the department of
239 10 economic development and the Iowa finance authority to conduct
239 11 a joint review of the housing-related programs they currently
239 12 administer, including all federal programs. The joint review
239 13 must include a review of all federal moneys received and spent
239 14 on housing programs and must identify all programs that are
239 15 duplicative of another program or which have purposes similar
239 16 to that of another program.

239 17 Division XXIII directs the department of economic
239 18 development and the Iowa finance authority to produce a report
239 19 recommending how best to transfer all responsibilities for
239 20 housing-related programs from the department of economic
239 21 development to the Iowa finance authority. The report must be
239 22 submitted not more than 30 days after the effective date of
239 23 division XXIII of the bill to the governor, the department of
239 24 management, and the general assembly.

239 25 EDUCATION.

239 26 DIVISION XXIV == AREA EDUCATION AGENCIES. This division
239 27 expresses legislative intent to dissolve the current area
239 28 education agency (AEA) system by July 1, 2011, and directs the
239 29 director of the department of education to develop a transition
239 30 plan for the transfer of AEA functions, facilities, equipment,
239 31 and programs to a bureau of regional education offices under
239 32 the authority of the department; eliminates the education
239 33 telecommunications council and revises the appointment process
239 34 and duties of the regional telecommunications councils;
239 35 eliminates the council for agriculture education, and the Iowa



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240 1 learning technology initiative; and initiates the process for
240 2 withdrawal from the midwestern higher education compact.
240 3 The director of the department of education is to develop
240 4 the transition plan in consultation with the directors of the
240 5 departments of administrative services and management or the
240 6 directors' designees, persons representing the administrators
240 7 and boards of directors of the AEAs, and persons representing
240 8 other interested stakeholders. The plan must specify the
240 9 number and location of the regional education offices that
240 10 would be located throughout the state to provide for the
240 11 most efficient and consistent program and service delivery;
240 12 the employment by the department of education of regional
240 13 education office staff under the state merit system; a
240 14 review of AEA administrative costs and budgets and a proposal
240 15 for an organizational chart; a description of the steps a
240 16 proposed bureau of regional education offices and the proposed
240 17 regional education offices can take to improve efficiency
240 18 and effectiveness of programs; a preliminary annual budget
240 19 for the proposed bureau and regional education offices
240 20 estimating income and expenditures for programs and services;
240 21 a description of the current AEA collective bargaining
240 22 agreements; recommendations for policy and statutory changes
240 23 for implementation of the bureau and regional education
240 24 offices system; recommendations for limited options in elective
240 25 services to promote economical operation and the attainment
240 26 of higher standards of educational services for the schools;
240 27 a proposal for a funding model which combines a line item
240 28 contained in the appropriation for the department of education
240 29 with local funding for the support and operations of the
240 30 proposed bureau and regional education offices; and a proposal
240 31 for the management of the assets and liabilities of the
240 32 dissolving area education agency system.
240 33 The director must submit the transition plan to the general
240 34 assembly and the governor by October 1, 2010.
240 35 Under the bill, the duties of the education



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241 1 telecommunications council are transferred to the regional
241 2 telecommunications councils. The bill includes conforming
241 3 provisions.

241 4 DIVISION XXV == HEALTH AND HUMAN SERVICES PROGRAM. This
241 5 division of the bill provides directives to various state
241 6 departments to develop and implement strategies to increase
241 7 efficiencies and cost savings in programs relating to health
241 8 and human services. The bill directs the department of human
241 9 services to develop and implement strategies to increase
241 10 efficiencies by reducing paperwork, decreasing staff time, and
241 11 providing more streamlined services to the public relative to
241 12 programs under the purview of the department. Such strategies
241 13 may include but are not limited to simplifying and reducing
241 14 duplication in eligibility determinations among programs by
241 15 utilizing the same eligibility processes across programs to the
241 16 extent allowed by federal law. The department is also directed
241 17 to provide a progress report to the joint appropriations
241 18 subcommittee on health and human services on a quarterly basis.

241 19 The bill also directs the departments of human services,
241 20 public health, corrections, and management, and any
241 21 other appropriate department to review the provision of
241 22 pharmaceuticals to populations they serve and programs under
241 23 their respective purview to determine efficiencies in the
241 24 purchase of pharmaceuticals. The departments are required to
241 25 develop strategies to implement efficiencies and reduce costs
241 26 to the state, and to also determine any changes in state law or
241 27 approval from the federal government necessary to implement any
241 28 strategy identified.

241 29 DIVISION XXVI == HOSPITAL LICENSING BOARD. The hospital
241 30 licensing board consults with and advises the department of
241 31 inspections and appeals in matters relating to the licensure of
241 32 hospitals, and approves rules and standards relating to such
241 33 licensure prior to their approval by the state board of health.
241 34 This division of the bill eliminates the hospital licensing
241 35 board.



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242 1 DIVISION XXVII == CHILD SUPPORT. This division of the
242 2 bill relates to child support and directs the department of
242 3 human services to establish criteria and a phased-in schedule
242 4 to require, no later than June 30, 2015, payors of income to
242 5 electronically transmit the amounts withheld under an income
242 6 withholding order. The bill directs the department to assist
242 7 payors of income in complying with the required electronic
242 8 transmission, and to adopt rules setting forth procedures for
242 9 use in electronic transmission of funds, and exemption from use
242 10 of electronic transmission taking into consideration any undue
242 11 hardship electronic transmission creates for payors of income.
242 12 DIVISION XXVIII == FALSE CLAIMS ACT. This division the bill
242 13 relates to the False Claims Act. This division establishes
242 14 a state false claims Act to allow a procedure for the state
242 15 and private individuals to bring an action for fraud against
242 16 another person that might result in financial loss to the
242 17 government. The federal Deficit Reduction Act of 2005, Pub.
242 18 L. No.109=171, {6032, provided financial encouragement to
242 19 states to have in effect a law dealing with false or fraudulent
242 20 claims that meets certain federal requirements. If a state
242 21 has such a law in place, when recoveries are made for Medicaid
242 22 funds improperly paid, the share owed to the federal government
242 23 will be decreased by 10 percent. This provision of the federal
242 24 Deficit Reduction Act took effect January 1, 2007.
242 25 The division provides definitions of "claim", "employer",
242 26 "knowing" or "knowingly", and "qui tam plaintiff" which means a
242 27 private plaintiff who brings an action under the division on
242 28 behalf of the state.
242 29 The division provides that a person who commits certain
242 30 specified acts is liable to the state for three times the
242 31 amount of damages which the state sustains because of the act
242 32 of that person, and is also liable to the state for the costs
242 33 of a civil action brought to recover any of those penalties
242 34 or damages, and for a civil penalty of not less than \$5,000
242 35 and not more than \$10,000 for each violation. The prohibited



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243 1 acts include: \$M knowingly presenting or causing to be presented
243 2 to any employee, officer, or agent of the state, or to any
243 3 contractor, grantee, or other recipient of state funds, a
243 4 false or fraudulent claim for payment or approval; knowingly
243 5 making, using, or causing to be made or used, a false record
243 6 or statement to get a false or fraudulent claim paid or
243 7 approved; conspiring to defraud the state by getting a false
243 8 claim allowed or paid, or conspiring to defraud the state by
243 9 knowingly making, using, or causing to be made or used, a
243 10 false record or statement to conceal, avoid, or decrease an
243 11 obligation to pay or transmit money or property to the state;
243 12 having possession, custody, or control of public property or
243 13 money used or to be used by the state and knowingly delivering
243 14 or causing to be delivered less property than the amount for
243 15 which the person receives a certificate or receipt; being
243 16 authorized to make or deliver a document certifying receipt
243 17 of property used or to be used by the state and knowingly
243 18 making or delivering a receipt that falsely represents the
243 19 property used or to be used; knowingly buying or receiving
243 20 as a pledge of an obligation or debt, public property from
243 21 any person who lawfully may not sell or pledge the property;
243 22 knowingly making, using, or causing to be made or used, a
243 23 false record or statement to conceal, avoid, or decrease an
243 24 obligation to pay or transmit money or property to the state;
243 25 and being a beneficiary of an inadvertent submission of a
243 26 false claim to any employee, officer, or agent of the state,
243 27 or to any contractor, grantee, or other recipient of state
243 28 funds, subsequently discovering the falsity of the claim, and
243 29 failing to disclose the false claim to the attorney general
243 30 within a reasonable time after discovery of the false claim.
243 31 The division provides for an assessment of a lesser amount of
243 32 damages under certain circumstances.
243 33 The division provides a process for the attorney general to
243 34 investigate and bring civil actions under the division. The
243 35 division also provides a process for a person to bring a civil



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244 1 action for a violation of the division for the person and for
244 2 the state in the name of the state as a qui tam plaintiff. The
244 3 division provides for awards to the qui tam plaintiff, bars
244 4 certain actions including those brought against a member of
244 5 the state legislature, a member of the judicial branch, or an
244 6 executive branch official if the action is based on evidence
244 7 or information known to the attorney general when the action
244 8 was brought and other actions in which the state is already a
244 9 party. The division provides that the state is not liable for
244 10 expenses which a person incurs in bringing an action under the
244 11 bill, and provides for relief to a person who is retaliated
244 12 against by an employer for bringing a private action under the
244 13 bill.

244 14 The division provides that a civil action under the division
244 15 must be brought not more than 10 years after the date on which
244 16 the violation was committed, and requires the attorney general
244 17 or the private plaintiff to prove all essential elements of the
244 18 cause of action by a preponderance of the evidence.

244 19 The division takes effect upon enactment and is
244 20 retroactively applicable to January 1, 2007.

244 21 DIVISION XXIX == MEDICAID PRESCRIPTION DRUGS. This
244 22 division of the bill relates to prescription drugs under
244 23 the medical assistance program by directing the department
244 24 of human services to adopt rules to restrict physicians and
244 25 other prescribers to prescribing not more than a 72-hour or
244 26 three-day supply of a prescription drug not included on the
244 27 Medicaid preferred drug list while seeking approval to continue
244 28 prescribing the medication; and directing the department to
244 29 adopt rules to require that unless the manufacturer of a
244 30 chemically unique mental health prescription drug enters into a
244 31 contract to provide the state with a supplemental rebate, the
244 32 drug shall be placed on the nonpreferred drug list and subject
244 33 to prior authorization before a Medicaid program recipient is
244 34 able to obtain the drug.

244 35 DIVISION XXX == MEDICAID DISEASE MANAGEMENT. Division XXX



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245 1 of the bill relates to Medicaid disease management for children
245 2 and directs the department of human services to design and
245 3 implement a disease management program for children to address
245 4 the most prevalent chronic diseases among children in Iowa.
245 5 The program may include technology-based disease management,
245 6 in-person or telephonic care management, self-management
245 7 strategies, and health literacy education and training.
245 8 DIVISION XXXI == MEDICAID HOME AND COMMUNITY-BASED SERVICES
245 9 WAIVER PAYMENTS. This division of the bill relates to Medicaid
245 10 home and community-based services waiver payments by directing
245 11 the department of human services to evaluate payment records
245 12 and determine the proper mechanism to trigger a review of
245 13 payments for home and community-based services waiver services
245 14 that are in excess of the median amount for payments through
245 15 the waivers. Following development of the trigger mechanism,
245 16 the department must require advance approval for services for
245 17 which payment is projected to exceed the median amount.
245 18 DIVISION XXXII == DIVESTITURE == MEDICAID PROGRAM. This
245 19 division relates to divestiture activities under the Medicaid
245 20 program. This division amends the definition of "transfer
245 21 of assets" for the purpose of eligibility for the medical
245 22 assistance (Medicaid) program. The division amends the
245 23 definition to provide that any transfer or assignment of a
245 24 legal or equitable interest in property, from a transferor to
245 25 a transferee for less than fair consideration, made while the
245 26 transferor is receiving medical assistance or within five years
245 27 prior to application for medical assistance by the transferor,
245 28 is presumed to be made with the intent, on the part of not
245 29 only the transferee, but also the transferor; or another
245 30 person acting on behalf of a transferor who is an actual or
245 31 implied agent, guardian, attorney-in-fact, or person acting as
245 32 a fiduciary, of enabling the transferor to obtain or maintain
245 33 eligibility for medical assistance or of impacting the recovery
245 34 or payment of a medical assistance debt. The presumption is
245 35 then rebuttable only by clear and convincing evidence that



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246 1 the transferor's eligibility or potential eligibility for
246 2 Medicaid or the impact on the recovery or payment of a medical
246 3 assistance debt was no part of the reason of not only the
246 4 transferee, but any of the other parties specified for making
246 5 the transfer or assignment.
246 6 The division provides that a transfer of assets includes a
246 7 transfer of an interest in the transferor's home, domicile, or
246 8 land appertaining to such home or domicile while the transferor
246 9 is receiving medical assistance, unless otherwise exempt.
246 10 The division amends the listing of transfers that are exempt
246 11 from the definition to provide that a transfer of assets that
246 12 would have been exempt from consideration as a resource if
246 13 retained by the transferor pursuant to federal law does not
246 14 include a transfer of the home or land appertaining to the
246 15 home.
246 16 DIVISION XXXVIII == CHILD CARE ADVISORY COMMITTEE. This
246 17 division replaces the child care advisory council in Code
246 18 sections 237A.21 and 237A.22 with a child care advisory
246 19 committee established by the early childhood Iowa council. The
246 20 following changes are made from current law relating to this
246 21 advisory body: \$Mmembers are appointed by the early childhood
246 22 Iowa council instead of the governor and additional provisions
246 23 are included for coordination between the council and the
246 24 new advisory committee. The division includes conforming
246 25 amendments reflecting the change. The council is required
246 26 to submit a legislation proposal to the governor and general
246 27 assembly specifying membership slots for the committee by
246 28 December 15, 2010. Otherwise the division takes effect July
246 29 1, 2011.
246 30 DIVISION XXXIV == STATE MENTAL HEALTH INSTITUTES. This
246 31 division relates to transfer of authority over the facilities
246 32 of the state mental health institute at Mount Pleasant from the
246 33 department of human services to the department of corrections.
246 34 The Code references to the state mental health institute at
246 35 Mount Pleasant are eliminated in Code section 218.1, relating



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247 1 to the institutions under the control of the director of human
247 2 services; in Code section 219.1, collectively designating the
247 3 state mental health institutes and the state resource centers
247 4 as a single state medical institution; in Code section 226.1,
247 5 relating to the official designation of the state hospitals
247 6 for persons with mental illness; and in Code section 226.9C,
247 7 authorizing the operation of a dual diagnosis mental health and
247 8 substance abuse program using net general fund budgeting.
247 9 Transition provisions are included for the departments
247 10 of human services and corrections to work together so that
247 11 the administration of the state mental health institute's
247 12 facilities is transferred from the department of human services
247 13 to the department of corrections over the course of fiscal year
247 14 2009=2010 and the succeeding fiscal year and is completed on
247 15 or before July 1, 2011.
247 16 The transition provisions include requirements for the
247 17 department of human services to revise the catchment areas
247 18 for state mental health institutes from four to three and to
247 19 transfer patients at the Mount Pleasant facility to suitable
247 20 placements. Moneys appropriated to the department of human
247 21 services for the two state mental health institutes for fiscal
247 22 year 2009=2010 are to be used for patient services and the
247 23 department of human services administrative costs connected to
247 24 the transfer.
247 25 Administrative rules applicable to the state mental health
247 26 institute at Mount Pleasant in effect as of July 1, 2009,
247 27 are to remain in effect until completion of the transfer
247 28 of administration of the facilities to the department of
247 29 corrections. The directors of the department of human services
247 30 and the department of corrections are required to jointly
247 31 provide written notice to the legislative services agency when
247 32 the transfer is complete.
247 33 The division may include a state mandate as defined in
247 34 Code section 25B.3. The division makes inapplicable Code
247 35 section 25B.2, subsection 3, which would relieve a political



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248 1 subdivision from complying with a state mandate if funding for
248 2 the cost of the state mandate is not provided or specified.
248 3 Therefore, political subdivisions are required to comply with
248 4 any state mandate included in the division.
248 5 DIVISION XXXV == CONSOLIDATION OF ADVISORY BODIES ==
248 6 COUNCIL ON HUMAN SERVICES. This division eliminates the
248 7 following bodies: \$Mthe child abuse prevention program advisory
248 8 council (Code section 235A.1), the child support advisory
248 9 committee (Code section 252B.18), and the child welfare
248 10 advisory committee (Code section 234.3), and reauthorizes these
248 11 bodies as advisory committees established by the council on
248 12 human services. In establishing the advisory committees and
248 13 appointing members, the council on human services is required
248 14 to consider reappointing those individuals who were serving as
248 15 members of these bodies as of June 30, 2009. Corrections are
248 16 made to the Code references to the bodies.
248 17 DIVISION XXXVI == CONSOLIDATION OF ADVISORY BODIES == STATE
248 18 BOARD OF HEALTH. This division eliminates the following
248 19 bodies: \$Mthe child advisory council on brain injuries (Code
248 20 section 135.22A), the center for rural health and primary care
248 21 advisory committee (Code section 135.107), the hemophilia
248 22 advisory council (Code chapter 135N), the state medical
248 23 examiner advisory council (Code section 691.6C), and the
248 24 trauma system advisory council (Code section 147A.24), and
248 25 reauthorizes these bodies as advisory committees established
248 26 by the state board of health. In establishing the advisory
248 27 committees and appointing members, the state board of health
248 28 is required to consider reappointing those individuals who
248 29 were serving as members of these bodies as of June 30, 2009.
248 30 Corrections are made to the Code references to the bodies.
248 31 DIVISION XXXVII == DEPARTMENT OF HUMAN SERVICES == FAMILY
248 32 SUPPORT SUBSIDY. This division prohibits the department of
248 33 human services, effective July 1, 2010, from accepting new
248 34 applications for the family support subsidy program and from
248 35 approving pending applications. Existing provisions under



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249 1 Code section 225C.40 remain applicable regarding termination
249 2 or denial of a subsidy for existing program participants.
249 3 These provisions include death of the participant, eligibility
249 4 criteria are no longer met, the participant attains age 18, and
249 5 reporting requirements are not met.
249 6 DIVISION XXXVIII == DEPARTMENT OF HUMAN SERVICES ==
249 7 ELECTRONIC FUNDS TRANSFER PAYMENTS. This division directs the
249 8 department of human services to continue expanding the practice
249 9 of making payments to program participants and vendors by
249 10 means of electronic funds transfer. A goal is provided in new
249 11 Code section 217.24 for the department having the capacity for
249 12 making payment by such means for all departmental programs.
249 13 DIVISION XXXIX == DEPARTMENT OF HUMAN SERVICES == ADOPTION
249 14 SUBSIDY PROGRAM. This division provides that for the fiscal
249 15 year beginning July 1, 2010, the maximum adoption subsidy rate
249 16 authorized by the department of human services is limited to
249 17 the maximum rate in effect on June 30, 2010, and the maximum
249 18 payment for nonrecurring expenses is limited to \$500 and
249 19 additional amounts for court costs and other related legal
249 20 expenses will no longer be allowed.
249 21 DIVISION XL == JUVENILE DETENTION HOME FUND. This division
249 22 eliminates funding requirements and related provisions for
249 23 state financial assistance provided to county and multicounty
249 24 juvenile detention homes.
249 25 Code section 232.142 is amended by striking subsection 3
249 26 which requires the state to provide financial aid amounting
249 27 to between 10 and 50 percent of the cost of the homes and
249 28 subsection 6 which establishes the juvenile detention home fund
249 29 to receive certain civil penalties relating to driver's license
249 30 violations.
249 31 Code sections 321.210B, 321.218A, and 321A.32A, relating to
249 32 civil penalties paid to the department of transportation when
249 33 the department suspends, revokes, or bars a person's driver's
249 34 license or nonresident operating privilege, are amended to
249 35 provide the penalties to be credited to the general fund of the



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250 1 state instead of the juvenile detention home fund.
250 2 DIVISION XLI == GUARDIAN AD LITEM. This division amends the
250 3 term "guardian ad litem" in Code section 232.2, which provides
250 4 definitions used in the juvenile justice code. A guardian
250 5 ad litem is a person appointed by the court, generally an
250 6 attorney, to represent the interests of a child in any judicial
250 7 proceeding to which the child is a party. The bill allows that
250 8 unless provided otherwise by a court order or juvenile court
250 9 having jurisdiction over the child, a guardian ad litem may
250 10 obtain required information about the status of the child by an
250 11 alternative means other than an in-person visit or interview,
250 12 provided the safety of the child is not jeopardized by use of
250 13 the alternative means.
250 14 DIVISION XLII == COUNTY COMMISSIONS OF VETERAN AFFAIRS FUND.
250 15 This division amends Code section 35A.16, relating to \$10,000
250 16 grants provided to county veteran affairs commissions. The
250 17 department of veterans affairs is required to implement an
250 18 application process which delineates allowable uses for grant
250 19 funding and provides for accountability measures.
250 20 JUSTICE SYSTEM.
250 21 DIVISION XLIII == DEPARTMENT OF CORRECTIONS. The division
250 22 at Code section 904.106 is amended to reduce the minimum number
250 23 of required meetings of the board of corrections from 12
250 24 meetings per year to quarterly meetings per year.
250 25 Code section 904.505 is amended to allow the department of
250 26 corrections to impose an administrative fee for the filing of
250 27 a report of a major disciplinary rule infraction for which an
250 28 inmate is found guilty. The fee shall be deposited in the
250 29 general fund of the state.
250 30 This division also closes, by October 1, 2010, the Luster
250 31 Heights facility and the farm 1 and farm 3 facilities of the
250 32 department of corrections and transfers the inmates confined at
250 33 such facilities to other institutions under the control of the
250 34 department of corrections.
250 35 DIVISION XLIV == STATE PUBLIC DEFENDER. The indigent



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251 1 defense advisory commission makes recommendations regarding
251 2 the hourly rates paid to court-appointed counsel and per case
251 3 fee limitations. The commission issues a report every three
251 4 years. The division eliminates the commission and requires the
251 5 department of inspections and appeals to prepare the reports.
251 6 This division appropriates moneys to the office of the state
251 7 public defender of the department of inspections and appeals
251 8 for eight additional local public defender positions. The
251 9 division also appropriates moneys to the office of the state
251 10 public defender for establishing a local public defender office
251 11 in Wapello county pursuant to Code section 13B.8.
251 12 DIVISION XLV == IOWA LAW ENFORCEMENT ACADEMY. This division
251 13 of the bill requires the Iowa law enforcement academy to charge
251 14 the department of natural resources and the department of
251 15 transportation the entire cost of providing the basic training
251 16 course for law enforcement officers. Under current law, the
251 17 academy may charge a state agency not more than one-half the
251 18 cost of the basic training course.
251 19 Division XLV of this bill provides that the Iowa law
251 20 enforcement academy, subject to the approval of the Iowa law
251 21 enforcement academy council, shall develop and administer a
251 22 pilot program consisting of training seminars for private
251 23 security personnel, consisting of 50 hours of training for each
251 24 of 10 trainees at a cost of \$50 per hour of training. The
251 25 moneys received from the training seminars are required to be
251 26 deposited in the general fund of the state.
251 27 DIVISION XLVI == DEPARTMENT OF PUBLIC SAFETY DIVISIONS.
251 28 This division merges the division of narcotics enforcement of
251 29 the department of public safety with the division of criminal
251 30 investigation of the department of public safety.
251 31 DIVISION XLVII == DEPARTMENT OF PUBLIC SAFETY == OFFICE OF
251 32 DRUG CONTROL POLICY. The division transfers the administration
251 33 of the governor's office of drug control policy from the office
251 34 of the governor to the department of public safety. The
251 35 division changes the name of governor's office of drug control



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252 1 policy to office of drug control policy.

252 2 The division requires the department of public safety to
252 3 review the budget submitted by the drug policy coordinator and
252 4 assist the drug policy coordinator in directing the governor's
252 5 office of drug control policy pursuant to Code section 80E.1.

252 6 The division does not modify the appointment of the drug
252 7 policy coordinator. Currently, the governor appoints the drug
252 8 policy coordinator, subject to confirmation by the senate, and
252 9 the coordinator serves at the pleasure of the governor.

252 10 The division also does not modify the current duties of the
252 11 drug policy coordinator to coordinate and monitor all statewide
252 12 narcotics enforcement efforts, substance abuse treatment grants
252 13 and programs, substance abuse prevention and education programs
252 14 in communities and schools, and to engage in such other related
252 15 activities as required by law.

252 16 MISCELLANEOUS PROVISIONS.

252 17 DIVISION XLVIII == STATE GOVERNMENT EFFICIENCY REVIEW
252 18 COMMITTEE. This division of this bill establishes a state
252 19 government efficiency review committee which shall meet at
252 20 least every four years to review the operations of state
252 21 government. The committee shall consist of five members of the
252 22 senate and five members of the house of representatives who
252 23 shall be appointed prior to January 31 of the first regular
252 24 session of each general assembly. The committee shall meet as
252 25 directed by the legislative council. The division provides
252 26 that the committee review and consider options for reorganizing
252 27 state government to improve efficiency, modernize processes,
252 28 eliminate duplication and outdated processes, reduce costs, and
252 29 increase accountability. The bill requires the committee, as
252 30 enacted by this bill, to issue its first report by January 1,
252 31 2014, and at least every fourth year thereafter.

LSB 5073HC (1) 83

ec/rj



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House Study Bill 566

SENATE/HOUSE FILE

BY (RECOMMENDED BY PUBLIC RETIREMENT
SYSTEMS STUDY COMMITTEE)

A BILL FOR

1 An Act concerning public retirement systems, including the
2 public safety peace officers' retirement, accident, and
3 disability system, the Iowa public employees' retirement
4 system, and the statewide fire and police retirement system,
5 making appropriations, and including effective date and
6 retroactive applicability provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5346IC (12) 83

ec/sc



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1 1 DIVISION I
1 2 PUBLIC SAFETY peace officers' retirement,
1 3 accident, and disability system
1 4 Section 1. Section 80.8, Code 2009, is amended by adding the
1 5 following new subsection:
1 6 NEW SUBSECTION. 4. Should a peace officer become
1 7 incapacitated for duty as a natural and proximate result
1 8 of an injury, disease, or exposure incurred or aggravated
1 9 while in the actual performance of duty at some definite
1 10 time or place, the peace officer shall, upon being found to
1 11 be temporarily incapacitated following an examination by a
1 12 workers' compensation physician or other approved physician
1 13 be entitled to receive the peace officer's fixed pay and
1 14 allowances, without using the peace officer's sick leave,
1 15 until reexamined by a workers' compensation physician or other
1 16 approved physician or examined by the medical board provided
1 17 for in section 97A.5, and found to be fully recovered or
1 18 permanently disabled. In addition, a peace officer found to
1 19 be temporarily incapacitated under this subsection shall be
1 20 credited with any sick leave used prior to the determination
1 21 that the peace officer was temporarily incapacitated under this
1 22 subsection for the period of time sick leave was used. For
1 23 purposes of this subsection, disease shall mean as described
1 24 in section 97A.6, subsection 5.
1 25 Sec. 2. Section 97A.1, subsection 6, Code 2009, is amended
1 26 to read as follows:
1 27 6. "Child" means only the surviving issue of a deceased
1 28 active or retired member, or a child legally adopted by a
1 29 deceased member prior to the member's retirement. "Child"
1 30 includes only an individual who is under the age of eighteen
1 31 years, an individual who is under the age of twenty-two and is
1 32 a full-time student, or an individual who is disabled under the
1 33 definitions used in section ~~402~~ 202 of the Social Security Act
1 34 as amended if the disability occurred to the individual during
1 35 the time the individual was under the age of eighteen years



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2 1 and the parent of the individual was an active member of the
2 2 system.

2 3 Sec. 3. Section 97A.1, subsection 9, Code 2009, is amended
2 4 to read as follows:

2 5 9. "Earnable compensation" or "compensation earnable"
2 6 shall mean the regular compensation which a member would earn
2 7 during one year on the basis of the stated compensation for
2 8 the member's rank or position, including any amount received
2 9 for overtime compensation, compensation for longevity, and
2 10 the daily amount received for meals under section 80.8 and
~~2 11 excluding any amount received for overtime compensation or.~~
2 12 However, the term "earnable compensation" or "compensation
2 13 earnable" shall not include other special additional
2 14 compensation, other payments for meal expenses, uniform
2 15 cleaning allowances, travel expenses, and uniform allowances
2 16 and excluding, or any amount received upon termination or
2 17 retirement in payment for accumulated sick leave or vacation.

2 18 Sec. 4. Section 97A.6, subsection 2, paragraph e,
2 19 subparagraph (6), Code 2009, is amended to read as follows:

2 20 (6) For a member who terminates service, other than by
2 21 death ~~or disability~~, on or after July 1, 2000, and who does
2 22 not withdraw the member's contributions pursuant to section
2 23 97A.16, upon the member's retirement there shall be added
2 24 two and three-fourths percent of the member's average final
2 25 compensation for each year of service over twenty-two years.
2 26 However, this subparagraph does not apply to more than ten
2 27 additional years of service.

2 28 Sec. 5. Section 97A.6, subsection 5, paragraph b, Code 2009,
2 29 is amended by striking the paragraph.

2 30 Sec. 6. Section 97A.6, subsection 7, paragraph a,
2 31 subparagraph (2), Code 2009, is amended to read as follows:

2 32 (2) A beneficiary retired under the provisions of this
2 33 paragraph in order to be eligible for continued receipt of
2 34 retirement benefits shall no later than May 15 of each year
2 35 submit to the board of trustees a copy of the beneficiary's



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3 1 ~~state~~ federal individual income tax return for the preceding
3 2 year. The beneficiary shall also submit, within sixty days,
3 3 any documentation requested by the system that is determined to
3 4 be necessary by the system to determine the beneficiary's gross
3 5 wages.

3 6 Sec. 7. Section 97A.6, subsection 7, paragraph b, Code 2009,
3 7 is amended to read as follows:

3 8 b. Should a disability beneficiary under age fifty-five
3 9 be restored to active service at a compensation not less than
3 10 the disability beneficiary's average final compensation, the
3 11 disability beneficiary's retirement allowance shall cease, the
3 12 disability beneficiary shall again become a member and shall
3 13 contribute thereafter at the same rate payable by other members
3 14 of comparable rank, seniority, and age, and former service on
3 15 the basis of which the disability beneficiary's service was
3 16 computed at the time of retirement shall be restored to full
3 17 force and effect. Upon subsequent retirement the disability
3 18 beneficiary shall be credited with all service as a member, and
3 19 also with no more than two years of the period of disability
3 20 retirement.

3 21 Sec. 8. Section 97A.8, subsection 1, paragraph e,
3 22 subparagraph (8), Code 2009, is amended to read as follows:

3 23 (8)(a) For purposes of this subparagraph, the "applicable
3 24 employee percentage" shall be as follows:

3 25 (i) For the fiscal period beginning July 1, 2006, and ending
3 26 June 30, 2010, nine and thirty-five hundredths percent.

3 27 (ii) For the fiscal year beginning July 1, 2010, nine and
3 28 eighty-five hundredths percent.

3 29 (iii) For the fiscal year beginning July 1, 2011, ten and
3 30 thirty-five hundredths percent.

3 31 (iv) For the fiscal year beginning July 1, 2012, ten and
3 32 eighty-five hundredths percent.

3 33 (v) For the fiscal year beginning July 1, 2013, and each
3 34 fiscal year thereafter, eleven and thirty-five hundredths
3 35 percent.



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4 1 (b) Notwithstanding any other provision of this chapter,
4 2 beginning July 1, 1996, and each fiscal year thereafter, an
4 3 amount equal to the member's contribution rate times each
4 4 member's compensation shall be paid to the retirement fund from
4 5 the earnable compensation of the member. For the purposes
4 6 of this subparagraph, the member's contribution rate shall
4 7 be ~~nine and thirty-five hundredths percent~~ the applicable
4 8 employee percentage. ~~However, the system shall increase the~~
~~4 9 member's contribution rate as necessary to cover any increase~~
~~4 10 in cost to the system resulting from statutory changes which~~
~~4 11 are enacted by any session of the general assembly meeting~~
~~4 12 after January 1, 1995, if the increase cannot be absorbed~~
~~4 13 within the contribution rates otherwise established pursuant to~~
~~4 14 this paragraph, but subject to a maximum employee contribution~~
~~4 15 rate of eleven and three-tenths percent. After the employee~~
~~4 16 contribution reaches eleven and three-tenths percent, sixty~~
~~4 17 percent of the additional cost of such statutory changes shall~~
~~4 18 be paid by the employer under paragraph "c" and forty percent~~
~~4 19 of the additional cost shall be paid by employees under this~~
~~4 20 subparagraph (8).~~

4 21 Sec. 9. Section 97A.8, subsection 1, Code 2009, is amended
4 22 by adding the following new paragraph:
4 23 NEW PARAGRAPH. i. Notwithstanding any provision of this
4 24 subsection to the contrary, if any statutory changes are
4 25 enacted by any session of the general assembly meeting after
4 26 January 1, 2011, which increases the cost to the system,
4 27 the system shall, if the increased cost cannot be absorbed
4 28 within the contribution rates otherwise established pursuant
4 29 to this subsection at the time the statutory changes are
4 30 enacted, increase the normal contribution rate and the member's
4 31 contribution rate as necessary to cover any increase in cost
4 32 by providing that sixty percent of the additional cost of such
4 33 statutory changes shall be paid by the employer under paragraph
4 34 "c" and forty percent of the additional cost shall be paid by
4 35 employees under paragraph "e", subparagraph (8).



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5 1 Sec. 10. Section 97A.11, Code 2009, is amended to read as
5 2 follows:

5 3 97A.11 Contributions by the state.

5 4 On or before the first day of ~~November~~ January in each year,
5 5 the board of trustees shall certify to the director of the
5 6 department of administrative services the amounts which will
5 7 become due and payable during the fiscal year next following to
5 8 the retirement fund. The amounts so certified shall be paid
5 9 by the director of the department of administrative services
5 10 out of the funds appropriated for the Iowa department of public
5 11 safety, to the treasurer of state, the same to be credited to
5 12 the system for the ensuing fiscal year.

5 13 Sec. 11. Section 97A.14, Code 2009, is amended to read as
5 14 follows:

5 15 97A.14 Hospitalization and medical attention.

5 16 1. The board of trustees shall provide hospital, nursing,
5 17 and medical attention for the members in service when injured
5 18 while in the performance of their duties and shall continue
5 19 to provide hospital, nursing, long-term care, and medical
5 20 attention for injuries or diseases incurred while in the
5 21 performance of their duties for the members but only while
5 22 the members are still receiving a retirement allowance under
5 23 section 97A.6, subsection 6. The cost of hospital, nursing,
5 24 and medical attention shall be paid out of the retirement fund.
5 25 However, any amounts received by the injured person under the
5 26 workers' compensation law of the state, or from any other
5 27 source for such specific purposes, shall be deducted from the
5 28 amount paid by the board of trustees ~~provisions of~~ under this
5 29 section.

5 30 2. For purposes of this section, medical attention shall
5 31 include but not be limited to services provided by licensed
5 32 medical personnel to include office, hospital, nursing home
5 33 care, long-term care, and prescriptions for medicine or
5 34 equipment. Within twelve months of receiving treatment or
5 35 incurring a cost with direct correlation to the disabling



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6 1 condition, the beneficiary of an accidental disability benefit
6 2 shall submit a written request for reimbursement to the board.
6 3 A denial of reimbursement by the board shall be subject to
6 4 judicial review in the same manner as any other action by the
6 5 board in accordance with section 97A.6, subsection 13.

6 6 Sec. 12. REPEAL. Section 97A.10, Code 2009, is repealed.

6 7 Sec. 13. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
6 8 ACCIDENT, AND DISABILITY SYSTEM == MEMBERS CONTRIBUTION
6 9 RATE. Notwithstanding any provision of section 97A.8 to the
6 10 contrary, the Iowa department of public safety peace officers'
6 11 retirement, accident, and disability system, as defined in
6 12 section 97A.2, shall not increase the contribution rate of
6 13 members of the system to cover any increase in cost to the
6 14 system resulting from this division of this Act.

6 15 Sec. 14. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
6 16 ACCIDENT, AND DISABILITY SYSTEM == BOARD REPORT.

6 17 1. The board of trustees of the Iowa department of
6 18 public safety peace officers' retirement, accident, and
6 19 disability system, as defined in section 97A.2, shall
6 20 conduct a comprehensive examination of the plan design
6 21 of the Iowa department of public safety peace officers'
6 22 retirement, accident, and disability system, pursuant to the
6 23 principles established in chapter 97D, with the goal of making
6 24 recommendations for benefit and other statutory changes to the
6 25 system that will maintain an adequate retirement for members at
6 26 a reasonable cost to members and employers.

6 27 2. On or before October 15, 2011, the board of trustees
6 28 shall file a report with the legislative services agency, for
6 29 distribution to the public retirement systems committee, which
6 30 contains the results of the comprehensive examination and any
6 31 recommendations for benefit or other statutory changes to the
6 32 system.

6 33

6 34

6 35

DIVISION II
IOWA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM



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7 1 Sec. 15. Section 97B.1A, Code Supplement 2009, is amended by
7 2 adding the following new subsection:
7 3 NEW SUBSECTION. 10A. "Final average covered wage" means the
7 4 greater of the following:
7 5 a. (1) The member's covered wages averaged for the
7 6 highest five years of the member's regular service, except
7 7 as otherwise provided in this paragraph. The highest five
7 8 years of a member's covered wages shall be determined using
7 9 calendar years. However, if a member's final quarter of a
7 10 year of employment does not occur at the end of a calendar
7 11 year, the system may determine the wages for the fifth year by
7 12 computing the average quarter of all quarters from the member's
7 13 highest calendar year of covered wages not being used in the
7 14 selection of the four highest years and using the computed
7 15 average quarter for each quarter in the fifth year in which
7 16 no wages have been reported in combination with the final
7 17 quarter or quarters of the member's service to create a full
7 18 calendar year. However, the system shall not use the member's
7 19 final quarter of wages if using that quarter would reduce
7 20 the member's final average covered wage. If the five-year
7 21 average covered wage of a member exceeds the highest maximum
7 22 covered wages in effect for a calendar year during the member's
7 23 period of service, the five-year average covered wage of the
7 24 member shall be reduced to the highest maximum covered wages in
7 25 effect during the member's period of service. Notwithstanding
7 26 any other provision of this subparagraph to the contrary,
7 27 a member's wages for the fifth year as computed under this
7 28 subparagraph shall not exceed, by more than three percent, the
7 29 member's highest actual calendar year of covered wages.
7 30 (2) Notwithstanding any other provisions of this paragraph
7 31 "a" to the contrary, the member's five-year average covered
7 32 wage shall be the lesser of the five-year average covered wage
7 33 as calculated pursuant to subparagraph (1) and the adjusted
7 34 covered wage amount. For purposes of this subparagraph (2),
7 35 the covered wage amount shall be an amount equal to one hundred



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8 1 thirty-four percent of the member's applicable calendar year
8 2 wages. The member's applicable calendar year wages shall be
8 3 the member's highest calendar year of covered wages not used in
8 4 the calculation of the member's five-year average covered wage
8 5 pursuant to subparagraph (1), or such other calendar year of
8 6 covered wages selected by the system pursuant to rules adopted
8 7 by the system.

8 8 b. If the member was vested as of June 30, 2012, the
8 9 member's three-year average covered wage as of June 30, 2012.

8 10 Sec. 16. Section 97B.1A, subsection 24, paragraph c, Code
8 11 Supplement 2009, is amended to read as follows:

8 12 c. Notwithstanding any other provisions of this subsection
8 13 to the contrary, for a member who retires on or after July 1,
8 14 2007, the member's three-year average covered wage shall be the
8 15 lesser of the three-year average covered wage as calculated
8 16 pursuant to paragraph "a" and the adjusted covered wage
8 17 amount. For purposes of this paragraph, the adjusted covered
8 18 wage amount shall be the greater of the member's three-year
8 19 average covered wage calculated pursuant to paragraph "a" as
8 20 of July 1, 2007, and an amount equal to one hundred twenty-one
8 21 percent of the member's applicable calendar year wages. The
8 22 member's applicable calendar year wages shall be the member's
8 23 highest ~~full~~ calendar year of covered wages not used in the
8 24 calculation of the member's three-year average covered wage
8 25 pursuant to paragraph "a", or, ~~if the member does not have~~
~~8 26 another full calendar year of covered wages that was not used~~
~~8 27 in the calculation of the three-year average covered wage under~~
~~8 28 paragraph "a", the lowest full calendar year of covered wages~~
~~8 29 that was used in the calculation of the member's three-year~~
~~8 30 average covered wage pursuant to paragraph "a" such other~~
8 31 calendar year of covered wages selected by the system pursuant
8 32 to rules adopted by the system.

8 33 Sec. 17. Section 97B.1A, subsection 25, paragraph a,
8 34 subparagraphs (1) through (5), Code Supplement 2009, are



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9 1 amended by striking the subparagraphs and inserting in lieu
9 2 thereof the following:
9 3 (1) Is vested by service.
9 4 (2) Prior to July 1, 2005, has attained the age of
9 5 fifty=five.
9 6 (3) Between July 1, 2005, and June 30, 2012, has attained
9 7 the age of fifty=five or greater while in covered employment.
9 8 (4) On and after July 1, 2012, meets one of the following
9 9 requirements:
9 10 (a) For a member in special service, has attained the age of
9 11 fifty=five or greater while in covered employment.
9 12 (b) For a member in regular service, has attained the age of
9 13 sixty=five or greater while in covered employment.
9 14 Sec. 18. Section 97B.1A, subsection 25, Code Supplement
9 15 2009, is amended by adding the following new paragraph:
9 16 NEW PARAGRAPH. d. "Vested by service" means a member who
9 17 meets one of the following requirements:
9 18 (1) Prior to July 1, 1965, had attained the age of
9 19 forty=eight and completed at least eight years of service.
9 20 (2) Between July 1, 1965, and June 30, 1973, had completed
9 21 at least eight years of service.
9 22 (3) Between July 1, 1973, and June 30, 2012, had completed
9 23 at least four years of service.
9 24 (4) On and after July 1, 2012, meets one of the following
9 25 requirements:
9 26 (a) For a member in special service, has completed at least
9 27 four years of special service.
9 28 (b) For a member in regular service, has completed at least
9 29 seven years of service.
9 30 (5) On or after July 1, 1988, an inactive member who had
9 31 accumulated, as of the date of the member's last termination of
9 32 employment, years of membership service equal to or exceeding
9 33 the years of membership service specified in this paragraph
9 34 "d" for qualifying as vested by service on that date of
9 35 termination.



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10 1 Sec. 19. Section 97B.4, subsection 2, paragraph c, Code
10 2 2009, is amended to read as follows:

~~10 3 c. In administering this chapter, the system may enter into~~
~~10 4 a biennial agreement with the department of administrative~~
~~10 5 services concerning the sharing of resources between the~~
~~10 6 system and department which are of benefit to each and~~
~~10 7 which are consistent with the mission of the system and~~
~~10 8 the department. The budget program for the system shall be~~
10 9 established by the chief executive officer in consultation with
10 10 the board and other staff of the system and shall be compiled
10 11 and submitted by the system pursuant to section 8.23.

10 12 Sec. 20. Section 97B.4, subsection 4, paragraph a, Code
10 13 2009, is amended to read as follows:

10 14 a. Annual report to governor. Not later than the
10 15 thirty-first day of December of each year, the system shall
10 16 submit to the governor a report covering the administration
10 17 and operation of this chapter during the preceding fiscal
10 18 year and shall make recommendations for amendments to this
10 19 chapter. The report shall include a balance sheet of the
10 20 moneys in the retirement fund. The report shall also include
10 21 information concerning the investment management expenses
10 22 for the retirement fund for each fiscal year expressed as a
10 23 percent of the market value of the retirement fund investment
10 24 assets, ~~including the information described in section 97B.7,~~
~~10 25 subsection 3, paragraph "d".~~ The information provided under
10 26 this paragraph shall also include information on the investment
10 27 policies and investment performance of the retirement fund.
10 28 In providing this information, to the extent possible, the
10 29 system shall include the total investment return for the entire
10 30 fund, for portions of the fund managed by investment managers,
10 31 and for internally managed portions of the fund, and the cost
10 32 of managing the fund per thousand dollars of assets. The
10 33 performance shall be based upon market value, and shall be
10 34 contrasted with relevant market indices and with performances
10 35 of pension funds of similar asset size.



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11 1 Sec. 21. Section 97B.11, subsection 3, paragraph d, Code
11 2 2009, is amended to read as follows:
11 3 d. "Required contribution rate" means that percentage of the
11 4 covered wages of members in regular service, members described
11 5 in section 97B.49B, and members described in section 97B.49C,
11 6 that the system shall, for each fiscal year, separately set
11 7 for members in each membership category as provided in this
11 8 paragraph. The required contribution rate that is set by the
11 9 system for a membership category shall be the contribution
11 10 rate the system actuarially determines, based upon the
11 11 most recent actuarial valuation of the system and using the
11 12 actuarial methods, assumptions, and funding policy approved by
11 13 the investment board, is the rate required by the system to
11 14 discharge its liabilities as a percentage of the covered wages
11 15 of members in that membership category. However, the required
11 16 contribution rate set by the system for a fiscal year shall
11 17 not vary by more than ~~one-half~~ one percentage point from the
11 18 required contribution rate for the prior fiscal year.
11 19 Sec. 22. Section 97B.49A, subsection 3, Code 2009, is
11 20 amended to read as follows:
11 21 3. Calculation of monthly allowance. For each active or
11 22 inactive vested member retiring on or after July 1, 1994, with
11 23 four or more complete years of service, a monthly benefit shall
11 24 be computed which is equal to one-twelfth of an amount equal
11 25 to the applicable percentage of the ~~three-year~~ final average
11 26 covered wage multiplied by a fraction of years of service.
11 27 However, if benefits under this section commence on an early
11 28 retirement date, the amount of the benefit shall be reduced in
11 29 accordance with section 97B.50.
11 30 Sec. 23. Section 97B.49A, subsection 4, paragraph c, Code
11 31 2009, is amended to read as follows:
11 32 c. For each active and vested member retiring ~~with less than~~
11 33 ~~four complete years of service and who therefore~~ cannot have a
11 34 benefit determined under the formula benefit of paragraph "a"
11 35 or "b" of this subsection, subsection 3, or section 97B.49G,



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12 1 subsection 1, a monthly annuity for membership service shall be
12 2 determined by applying the member's accumulated contributions
12 3 and the employer's matching accumulated contributions as of the
12 4 effective retirement date and any retirement dividends standing
12 5 to the member's credit on or before December 31, 1966, to the
12 6 annuity tables in use by the system according to the member's
12 7 age and contingent annuitant's age, if applicable.

12 8 Sec. 24. Section 97B.49D, subsection 1, unnumbered
12 9 paragraph 1, Code 2009, is amended to read as follows:

12 10 An active or inactive vested member, who is or has been
12 11 employed in both special service and regular service, who
12 12 retires on or after July 1, 1996, ~~with four or more completed~~
~~12 13 years of~~ who is vested by service, and who at the time of
12 14 retirement is at least fifty-five years of age, may elect
12 15 to receive, in lieu of the receipt of a monthly retirement
12 16 allowance as calculated pursuant to sections 97B.49A through
12 17 97B.49C, a combined monthly retirement allowance equal to the
12 18 sum of the following:

12 19 Sec. 25. Section 97B.49D, subsection 1, paragraph a, Code
12 20 2009, is amended to read as follows:

12 21 a. One-twelfth of an amount equal to the applicable
12 22 percentage of the member's ~~three-year~~ final average covered
12 23 wage multiplied by a fraction of years of service. The
12 24 fraction of years of service for purposes of this paragraph
12 25 shall be the actual years of service, not to exceed thirty,
12 26 for which regular service contributions were made, divided by
12 27 thirty. However, any otherwise applicable age reduction for
12 28 early retirement shall apply to the calculation under this
12 29 paragraph.

12 30 Sec. 26. Section 97B.50, subsection 1, paragraphs a and b,
12 31 Code 2009, are amended to read as follows:

12 32 a. For a member who is ~~less than sixty-two years of age~~ not
~~12 33 vested on June 30, 2012, by twenty-five hundredths~~ one-half of
12 34 one percent per month for each month that the early retirement
12 35 date precedes the ~~normal retirement~~ date the member attains age



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13 1 sixty-five.

13 2 b. For a member who is at least ~~sixty-two~~ years of age and
~~13 3 who has not completed twenty years of membership service and~~
~~13 4 prior service vested on June 30, 2012, the member's retirement~~
13 5 allowance shall be reduced as follows:

13 6 (1) For that portion of the member's retirement allowance
13 7 based on years of service through June 30, 2012, by twenty-five
13 8 hundredths of one percent per month for each month that the
13 9 early retirement date precedes the member's earliest normal
13 10 retirement date using the member's age on the early retirement
13 11 date and years of service as of June 30, 2012.

13 12 (2) For that portion of the member's retirement allowance
13 13 based on years of service after June 30, 2012, by one-half of
13 14 one percent per month for each month that the early retirement
13 15 date precedes the date the member attains age sixty-five.

13 16 Sec. 27. Section 97B.52, subsection 1, unnumbered paragraph
13 17 1, Code 2009, is amended to read as follows:

13 18 If an inactive member, ~~with at least sixteen calendar~~
~~13 19 quarters of service credit who is vested by service, or~~
13 20 any active member dies prior to the member's first month of
13 21 entitlement, the member's beneficiary shall be entitled to
13 22 receive a death benefit equal to the greater of the amount
13 23 provided in paragraph "a" or "b". If an inactive member ~~with~~
~~13 24 less than sixteen calendar quarters of service credit who is~~
13 25 not vested by service dies prior to the member's first month of
13 26 entitlement, the member's beneficiary shall only be entitled
13 27 to receive a death benefit, as a lump sum, equal to the amount
13 28 provided in paragraph "a".

13 29 Sec. 28. Section 97B.52A, subsection 1, paragraph c, Code
13 30 2009, is amended to read as follows:

13 31 c. (1) For a member whose first month of entitlement
13 32 is July 2000 or later, the member does not return to any
13 33 employment with a covered employer until the member has
13 34 qualified for at least one calendar month of retirement
13 35 benefits, and the member does not return to covered employment



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14 1 until the member has qualified for no fewer than four calendar
14 2 months of retirement benefits.

14 3 (2) For purposes of determining a bona fide retirement
14 4 under this paragraph "c", effective the following provisions
14 5 apply:

14 6 (a) Effective July 1, 2000, any employment with a covered
14 7 employer does not include employment as an elective official
14 8 or member of the general assembly if the member is not covered
14 9 under this chapter for that employment.

~~14 10 (b) For purposes of determining a bona fide retirement~~
~~14 11 under this paragraph and for a member whose first month of~~
14 12 entitlement is July 2004 or later, but before July 2010 2012,
14 13 covered employment does not include employment as a licensed
14 14 health care professional by a public hospital as defined in
14 15 section 249J.3, with the exception of public hospitals governed
14 16 pursuant to chapter 226.

14 17 (c) Effective May 25, 2008, any employment with a covered
14 18 employer does not include noncovered employment as a member of
14 19 the national guard called to state active duty as defined in
14 20 section 29A.1.

14 21 Sec. 29. Section 97B.58, Code 2009, is amended to read as
14 22 follows:

14 23 97B.58 Information furnished by employer.

14 24 To enable the system to administer this chapter and perform
14 25 its functions, the employer shall, upon the request of and
14 26 in the manner provided by the system, ~~supply full~~ provide
14 27 accurate, complete, and timely information to the system of
14 28 all matters relating to the pay of all members, date of birth,
14 29 their retirement, death, or other cause for termination of
14 30 employment, and other pertinent facts the system may require
14 31 in the manner provided by the system. The system shall not be
14 32 liable to any member, retiree, or beneficiary for any monetary
14 33 or other relief due to the failure of the employer to comply
14 34 with this section.



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15 1 Sec. 30. 2008 Iowa Acts, chapter 1171, section 47, is
15 2 amended to read as follows:

15 3 SEC. 47. TRANSITION PROVISION == REQUIRED CONTRIBUTION RATE
15 4 FOR FISCAL YEAR 2010=2011. For purposes of establishing the
15 5 required contribution rate for the fiscal year beginning July
15 6 1, 2011, as provided in section 97B.11, as amended in this Act,
15 7 the required contribution rate for the fiscal year beginning
15 8 July 1, 2010, shall be, for ~~members in regular service,~~ members
15 9 described in section 97B.49B, and members described in section
15 10 97B.49C, the total contribution percentage rate paid by members
15 11 and employers of that membership group for the fiscal year
15 12 beginning July 1, 2010.

15 13 Sec. 31. 2009 Iowa Acts, chapter 170, section 51,
15 14 subsections 1 and 3, are amended to read as follows:

15 15 1. a. Notwithstanding any provision of chapter 97B to the
15 16 contrary, a member of the Iowa public employees' retirement
15 17 system who has an employer=mandated reduction in hours or
15 18 an employee=exercised reduction in pay but remains on the

15 19 employer's payroll, and who would receive a reduction in the
15 20 member's three=year average covered wage as a result of the
15 21 reduction in hours, may have the member's retirement allowance
15 22 calculated based on the three=year average covered wage the
15 23 member would have received, based on reasonable assumptions,
15 24 if the member had not been subject to the employer=mandated
15 25 reduction in hours or employee=exercised reduction in pay, upon
15 26 payment by the member of the applicable contribution amount.

15 27 b. For purposes of this section, ~~the applicable contribution~~
15 28 ~~amount unless the context otherwise requires:~~

15 29 (1) "Applicable contribution amount" is an amount equal to
15 30 the employee and employer contributions that would have been
15 31 paid to the system based on the wages that the member would
15 32 have received but for the employer=mandated reduction in hours
15 33 or employee=exercised reduction in pay and would have been
15 34 included in the member's three=year average covered wage.

15 35 (2) "Employee=exercised reduction in pay" means a reduction



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16 1 in pay of a member who has exercised bumping rights by
16 2 accepting a lower-paid position in order to avoid being laid
16 3 off by the employer.

16 4 3. This section shall apply to employer=mandated reductions
16 5 in hours or employee=exercised reductions in pay during
16 6 the period of time beginning on or after January 1, 2009,
16 7 and ending no later than June 30, ~~2010~~ 2011. The system is
16 8 authorized to adopt such rules, including emergency rules, as
16 9 it deems necessary or prudent to implement this section.

16 10 Sec. 32. IPERS REGULAR MEMBERS == FINAL AVERAGE COVERED WAGE ==
16 11 JULY 1, 2010 THROUGH JUNE 30, 2012. Notwithstanding any
16 12 provision of section 97B.1A, subsection 10A, as enacted by this
16 13 division of this Act, to the contrary, for the period beginning
16 14 July 1, 2010, and ending June 30, 2012, "final average covered
16 15 wage" means the member's three=year average covered wage.

16 16 Sec. 33. IPERS REGULAR MEMBERS == REQUIRED CONTRIBUTION
16 17 RATE FOR FISCAL YEAR 2011=2012. Notwithstanding any provision
16 18 of section 97B.11 to the contrary, for members in regular
16 19 service as defined in section 97B.1A, the required contribution
16 20 rate for the fiscal year beginning July 1, 2011, as provided
16 21 in section 97B.11, shall be thirteen and forty?five hundredths
16 22 percent.

16 23 Sec. 34. EFFECTIVE DATE. The section of this division of
16 24 this Act amending section 97B.50 takes effect June 30, 2012.

16 25 Sec. 35. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
16 26 APPLICABILITY. The section of this division of this Act
16 27 enacting section 97B.52A, subsection 1, paragraph "c",
16 28 subparagraph (2), subparagraph division (c), being deemed of
16 29 immediate importance, takes effect upon enactment and applies
16 30 retroactively to May 25, 2008.

16 31 Sec. 36. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
16 32 APPLICABILITY. The section of this division of this Act
16 33 amending 2009 Iowa Acts, chapter 170, section 51, being deemed
16 34 of immediate importance, takes effect upon enactment and
16 35 applies retroactively to January 1, 2009.



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17 1 DIVISION III
17 2 STATEWIDE FIRE AND POLICE
17 3 RETIREMENT SYSTEM
17 4 Sec. 37. Section 8.59, Code 2009, is amended to read as
17 5 follows:
17 6 8.59 Appropriations freeze.
17 7 Notwithstanding contrary provisions of the Code, the amounts
17 8 appropriated under the applicable sections of the Code for
17 9 fiscal years commencing on or after July 1, 1993, are limited
17 10 to those amounts expended under those sections for the fiscal
17 11 year commencing July 1, 1992. If an applicable section
17 12 appropriates moneys to be distributed to different recipients
17 13 and the operation of this section reduces the total amount to
17 14 be distributed under the applicable section, the moneys shall
17 15 be prorated among the recipients. As used in this section,
17 16 "applicable sections" means sections 53.50, 229.35, 230.8,
17 17 230.11, ~~411.20~~, and 663.44.
17 18 Sec. 38. Section 411.1, subsection 9, Code Supplement 2009,
17 19 is amended to read as follows:
17 20 9. "Earnable compensation" or "compensation earnable" shall
17 21 mean the annual compensation which a member receives for
17 22 services rendered as a police officer or fire fighter in the
17 23 course of employment with a participating city, including any
17 24 amounts received for overtime compensation. However, the term
17 25 "earnable compensation" or "compensation earnable" shall not
17 26 include amounts received for ~~overtime compensation~~, meal or
17 27 travel expenses, uniform allowances, fringe benefits, severance
17 28 pay, or any amount received upon termination or retirement in
17 29 payment for accumulated sick leave or vacation. Contributions
17 30 made by a member from the member's earnable compensation to a
17 31 plan of deferred compensation shall be included in earnable
17 32 compensation. Other contributions made to a plan of deferred
17 33 compensation shall not be included except to the extent
17 34 provided in rules adopted by the board of trustees pursuant to
17 35 section 411.5, subsection 3.



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18 1 Sec. 39. Section 411.1, subsection 22, Code Supplement
18 2 2009, is amended to read as follows:
18 3 22. "Surviving spouse" shall mean the surviving spouse of a
18 4 deceased member ~~from active service~~. Surviving spouse shall
18 5 include a former spouse only if the division of assets in the
18 6 dissolution of marriage decree pursuant to section 598.17
18 7 grants the former spouse rights of a spouse under this chapter.
18 8 Sec. 40. Section 411.6, subsection 3, Code Supplement 2009,
18 9 is amended to read as follows:
18 10 3. Ordinary disability retirement benefit. Upon application
18 11 to the system, of a member in good standing or of the chief
18 12 of the police or fire departments, respectively, any member
18 13 in good standing shall be retired by the system, not less
18 14 than thirty and not more than ninety days next following the
18 15 date of filing the application, on an ordinary disability
18 16 retirement allowance, if the medical board after a medical
18 17 examination of the member certifies that the member is mentally
18 18 or physically incapacitated for further performance of duty,
18 19 that the incapacity is likely to be permanent, and that the
18 20 member should be retired. However, if a person's membership
18 21 in the system first commenced on or after July 1, 1992, the
18 22 member shall not be eligible for benefits with respect to a
18 23 disability which would not exist, but for a medical condition
18 24 that was known to exist on the date that membership commenced.
18 25 A medical condition shall be deemed to have been known to exist
18 26 on the date that membership commenced if the medical condition
18 27 is reflected in any record or document completed or obtained
18 28 in accordance with the system's medical protocols pursuant to
18 29 section 400.8, or in any other record or document obtained
18 30 pursuant to an application for disability benefits from the
18 31 system, if such record or document existed prior to the date
18 32 membership commenced. A member who is denied a benefit under
18 33 this subsection, by reason of a finding by the medical board
18 34 that the member is not mentally or physically incapacitated
18 35 for the further performance of duty, shall be entitled to



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19 1 be restored to active service in the same position held
19 2 immediately prior to the application for disability benefits.
19 3 The member=in=good=standing requirement of this subsection
19 4 may be waived for good cause as determined by the board. The
19 5 burden of establishing good cause is on the member.

19 6 Sec. 41. Section 411.6, subsection 8, paragraph c,
19 7 subparagraph (1), Code Supplement 2009, is amended to read as
19 8 follows:

19 9 (1) The spouse, regardless of whether the spouse was
19 10 designated by the member to the system as the member's
19 11 beneficiary.

19 12 Sec. 42. Section 411.6, subsection 8, paragraph d,
19 13 subparagraph (1), Code Supplement 2009, is amended to read as
19 14 follows:

19 15 (1) To the member's surviving spouse, unless the surviving
19 16 spouse selected the pension under paragraph "b".

19 17 Sec. 43. Section 411.6B, Code 2009, is amended by adding the
19 18 following new subsection:

19 19 NEW SUBSECTION. 3. a. For distributions after December
19 20 31, 2009, a nonspouse beneficiary who is a designated
19 21 beneficiary may roll over all or any portion of the
19 22 beneficiary's distribution to an individual retirement account
19 23 the beneficiary establishes for purposes of receiving the
19 24 distribution by means of a direct rollover. In order to
19 25 qualify for a rollover under this subsection, the distribution
19 26 must otherwise satisfy the definition of an eligible
19 27 rollover distribution. If a nonspouse beneficiary receives a
19 28 distribution from the system, the distribution is not eligible
19 29 for a sixty=day rollover.

19 30 b. If the member's named beneficiary is a trust, the system
19 31 may make a direct rollover to an individual retirement account
19 32 on behalf of the trust, provided the trust satisfies the
19 33 requirements to be a designated beneficiary within the meaning
19 34 of Internal Revenue Code section 401(a)(9)(E).

19 35 c. A nonspouse beneficiary may not roll over an amount



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20 1 which is a required minimum distribution, as determined
20 2 under applicable United States treasury regulations and
20 3 other federal Internal Revenue Service guidance. If the
20 4 participant dies before the participant's required beginning
20 5 date and the nonspouse beneficiary rolls over to an individual
20 6 retirement account the maximum amount eligible for rollover,
20 7 the beneficiary may elect to use either the five-year rule or
20 8 the life expectancy rule, pursuant to applicable United States
20 9 treasury regulations as provided in 26 C.F.R. {1.401(a)(9)=3,
20 10 in determining the required minimum distributions from the
20 11 individual retirement account that receives the nonspouse
20 12 beneficiary's distribution.

20 13 Sec. 44. Section 411.8, subsection 1, paragraph b,
20 14 subparagraph (1), Code Supplement 2009, is amended to read as
20 15 follows:

20 16 (1) On the basis of the actuarial methods and assumptions,
20 17 rate of interest, and of the mortality, interest and other
20 18 tables adopted by the system, the actuary engaged by the system
20 19 to make each valuation required by this chapter pursuant to the
20 20 requirements of section 411.5, shall immediately after making
20 21 such valuation, determine the normal contribution rate. Except
20 22 as otherwise provided in this lettered paragraph, the "normal
20 23 contribution rate" shall be the rate percent of the earnable
20 24 compensation of all members equal to the rate required by the
20 25 system to discharge its liabilities, stated as a percentage of
20 26 the earnable compensation of all members, and reduced by the
20 27 employee contribution rate provided in paragraph "f" of this
20 28 subsection and the contribution rate representing ~~the~~ any state
20 29 appropriation made ~~as provided in section 411.20~~. However,
20 30 the normal contribution rate shall not be less than seventeen
20 31 percent.

20 32 Sec. 45. Section 411.8, subsection 1, paragraph f,
20 33 subparagraph (8), Code Supplement 2009, is amended to read as
20 34 follows:



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21 1 (8)(a) For purposes of this subparagraph, the "applicable
21 2 employee percentage" shall be as follows:
21 3 (i) For the fiscal period beginning July 1, 2006, and ending
21 4 June 30, 2009, nine and thirty=five hundredths percent.
21 5 (ii) For the fiscal year beginning July 1, 2009, nine and
21 6 four=tenths percent.
21 7 (iii) For the fiscal year beginning July 1, 2010, nine and
21 8 nine=tenths percent.
21 9 (iv) For the fiscal year beginning July 1, 2011, ten and
21 10 four=tenths percent.
21 11 (v) For the fiscal year beginning July 1, 2012, ten and
21 12 nine=tenths percent.
21 13 (vi) For the fiscal year beginning July 1, 2013, and each
21 14 fiscal year thereafter, eleven and four=tenths percent.
21 15 (b) Beginning July 1, 1996, and each fiscal year thereafter,
21 16 an amount equal to the member's contribution rate times each
21 17 member's compensation shall be paid to the fund from the
21 18 earnable compensation of the member. For the purposes of
21 19 this subparagraph, the member's contribution rate shall be
21 20 nine and thirty=five hundredths percent or, beginning July 1,
~~21 21 2009, nine and four=tenths percent~~ the applicable employee
21 22 percentage. However, the system shall increase the member's
~~21 23 contribution rate as necessary to cover any increase in cost~~
~~21 24 to the system resulting from statutory changes which are~~
~~21 25 enacted by any session of the general assembly meeting after~~
~~21 26 January 1, 1991, if the increase cannot be absorbed within~~
~~21 27 the contribution rates otherwise established pursuant to this~~
~~21 28 paragraph, but subject to a maximum employee contribution rate~~
~~21 29 of eleven and three=tenths percent or, beginning July 1, 2009,~~
~~21 30 eleven and thirty=five hundredths percent. The contribution~~
~~21 31 rate increases specified in 1994 Iowa Acts, ch.1183, pursuant~~
~~21 32 to this chapter and chapter 97A shall be the only member~~
~~21 33 contribution rate increases for these systems resulting from~~
~~21 34 the statutory changes enacted in 1994 Iowa Acts, ch.1183, and~~
~~21 35 shall apply only to the fiscal periods specified in 1994 Iowa~~



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~~22 1 Acts, ch.1183. After the employee contribution reaches eleven
22 2 and three-tenths percent or eleven and thirty-five hundredths
22 3 percent, as applicable, sixty percent of the additional cost
22 4 of such statutory changes shall be paid by employers under
22 5 paragraph "c" and forty percent of the additional cost shall be
22 6 paid by employees under this paragraph.~~

22 7 Sec. 46. Section 411.8, subsection 1, Code Supplement 2009,
22 8 is amended by adding the following new paragraph:

22 9 NEW PARAGRAPH. j. Notwithstanding any provision of this
22 10 subsection to the contrary, if any statutory changes are
22 11 enacted by any session of the general assembly meeting after
22 12 January 1, 2011, which increases the cost to the system,
22 13 the system shall, if the increased cost cannot be absorbed
22 14 within the contribution rates otherwise established pursuant
22 15 to this subsection at the time the statutory changes are
22 16 enacted, increase the normal contribution rate and the member's
22 17 contribution rate as necessary to cover any increase in cost
22 18 by providing that sixty percent of the additional cost of such
22 19 statutory changes shall be paid by the employer under paragraph
22 20 "c" and forty percent of the additional cost shall be paid by
22 21 employees under paragraph "f", subparagraph (8).

22 22 Sec. 47. Section 411.9, Code 2009, is amended by adding the
22 23 following new subsection:

22 24 NEW SUBSECTION. 1A. In the case of a member's death
22 25 occurring on or after January 1, 2007, if the member dies while
22 26 performing qualified military service as defined in section
22 27 414(u) of the Internal Revenue Code, the survivors of the
22 28 member are entitled to any additional benefits, other than
22 29 benefit accruals relating to the period of qualified military
22 30 service, provided by the system as if the member had resumed
22 31 membership service and had died as the natural and proximate
22 32 result of an injury or disease incurred in or aggravated by the
22 33 actual performance of duty at some definite time and place.

22 34 Sec. 48. Section 411.9, Code 2009, is amended by adding the
22 35 following new subsection:



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23 1 NEW SUBSECTION. 1B. For years beginning after December
23 2 31, 2008, if a member who is absent while serving in the armed
23 3 services of the United States is receiving a differential wage
23 4 payment, as defined in section 3401(h)(2) of the Internal
23 5 Revenue Code, from a participating city, all of the following
23 6 shall apply:

23 7 a. The member is treated as an employee of the employer
23 8 making the payment and as an active member of the system.

23 9 b. The differential wage payment is treated as earnable
23 10 compensation of the member.

23 11 c. The system is not treated as failing to meet the
23 12 requirements of any provision described in section 414(u)(1)(C)
23 13 of the Internal Revenue Code by reason of any contribution or
23 14 benefit which is based on the differential wage payment.

23 15 Sec. 49. Section 411.37, subsections 2 and 3, Code 2009, are
23 16 amended to read as follows:

23 17 2. The board shall include in the transition plan or other
23 18 transition documents, provisions to facilitate continuity under
23 19 sections ~~411.20~~, 411.21, and 411.30, and any appropriations to
23 20 the system from the state.

23 21 3. For each of the fiscal years beginning July 1, 1990,
23 22 and July 1, 1991, ten percent of the amount appropriated by
23 23 the state for distribution to cities ~~as provided in section~~
~~23 24 411.20~~ shall be made available to the board of trustees for
23 25 the statewide system to cover the administrative costs of the
23 26 transition. The amount distributed to each city shall be
23 27 reduced accordingly. The moneys remaining unencumbered or
23 28 unexpended at the end of the fiscal year beginning July 1,
23 29 1990, and the moneys remaining unencumbered or unexpended on
23 30 January 1, 1992, shall be credited to the cities in the same
23 31 proportion as the reduction.

23 32 Sec. 50. REPEAL. Section 411.20, Code 2009, is repealed.

23 33 Sec. 51. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM FUND ==
23 34 APPROPRIATIONS.

23 35 1. There is appropriated from the general fund of the state



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24 1 for deposit in the statewide fire and police retirement fund
 24 2 created in section 411.8, for the designated fiscal years, the
 24 3 following amounts:
 24 4 FY 2010=2011.....\$ 1,500,000
 24 5 FY 2011=2012.....\$ 750,000
 24 6 2. Moneys appropriated by the state pursuant to this section
 24 7 shall not be used to reduce the normal rate of contribution of
 24 8 any city below 17 percent.
 24 9 Sec. 52. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM ==
 24 10 MEMBERS CONTRIBUTION RATE. Notwithstanding any provision of
 24 11 section 411.8 to the contrary, the statewide fire and police
 24 12 retirement system created in chapter 411 shall not increase
 24 13 the contribution rate of members of the system to cover any
 24 14 increase in cost to the system resulting from this division of
 24 15 this Act.
 24 16 Sec. 53. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM ==
 24 17 BOARD REPORT.
 24 18 1. The board of trustees of the statewide fire and police
 24 19 retirement system created in chapter 411 shall conduct
 24 20 a comprehensive examination of the plan design of the
 24 21 statewide fire and police retirement system, pursuant to the
 24 22 principles established in chapter 97D, with the goal of making
 24 23 recommendations for benefit and other statutory changes to the
 24 24 system that will maintain an adequate retirement for members at
 24 25 a reasonable cost to members and employers.
 24 26 2. On or before October 15, 2011, the board of trustees
 24 27 shall file a report with the legislative services agency, for
 24 28 distribution to the public retirement systems committee, which
 24 29 contains the results of the comprehensive examination and any
 24 30 recommendations for benefit or other statutory changes to the
 24 31 system.
 24 32 Sec. 54. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
 24 33 APPLICABILITY. The section of this division of this Act
 24 34 enacting section 411.9, subsection 1A, being deemed of



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25 1 immediate importance, take effect upon enactment and applies
25 2 retroactively to deaths occurring on or after January 1, 2007.

25 3 Sec. 55. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 4 APPLICABILITY. The section of this division of this Act
25 5 enacting section 411.9, subsection 1B, being deemed of
25 6 immediate importance, takes effect upon enactment and applies
25 7 retroactively to years beginning after December 31, 2008.

25 8 EXPLANATION

25 9 This bill makes numerous changes to public retirement
25 10 systems, including the public safety peace officers'
25 11 retirement, accident, and disability system, the Iowa public
25 12 employees' retirement system, and the statewide fire and police
25 13 retirement system. The bill may include a state mandate as
25 14 defined in Code section 25B.3. The state mandate funding
25 15 requirement in Code section 25B.2, however, does not apply to
25 16 public employee retirement systems. The changes to each public
25 17 retirement system are as follows:

25 18 PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM
25 19 (PORS). Code section 97A.1(6), concerning the definition of
25 20 child, is amended by correcting a reference to the federal
25 21 Social Security Act.

25 22 Code section 97A.1(9), concerning the definition of
25 23 earnable compensation, is amended to provide that overtime
25 24 compensation is included as earnable compensation for purposes
25 25 of PORS. Current law excludes overtime compensation from this
25 26 definition. The bill provides that any increased cost arising
25 27 out of this change shall not result in an increase in the
25 28 member's contribution rate.

25 29 Code section 97A.6(5)(b), concerning the continuation of
25 30 peace officer pay and allowances while the peace officer
25 31 is temporarily incapacitated, is amended by striking this
25 32 provision and transferring it to Code section 80.8.

25 33 Code section 97A.6(7), concerning reexamination of
25 34 disability retirees, is amended to require a disability retiree
25 35 to provide the PORS board a copy of the beneficiary's federal



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26 1 individual tax return and such other information the system
26 2 deems necessary. Current law only requires the beneficiary to
26 3 provide a copy of the beneficiary's state income tax return.
26 4 The subsection is also amended to provide that a disability
26 5 beneficiary who is restored to active service and then
26 6 subsequently retires is entitled to service credit for no more
26 7 than two years of the period of disability retirement. Current
26 8 law allows a service credit for all years of the disability
26 9 retirement.

26 10 Code section 97A.8, concerning the financing of PORS, is
26 11 amended to increase the employee contribution rate by 0.5
26 12 percentage points for four years beginning July 1, 2010, from
26 13 9.35 percent of pay, until reaching 11.35 percent beginning on
26 14 and after July 1, 2013. The section is also amended to provide
26 15 that the cost to cover any increase in cost to PORS resulting
26 16 from any statutory changes enacted after January 1, 2011,
26 17 shall be divided with 60 percent of the increased cost paid by
26 18 employers and 40 percent by the employees, if the increased
26 19 cost cannot be absorbed within the contribution rates otherwise
26 20 established at that time.

26 21 Code section 97A.10, concerning purchase of eligible service
26 22 credit, is repealed. The Code section had allowed the purchase
26 23 of eligible service by filing an application with the system by
26 24 July 1, 2007.

26 25 Code section 97A.11, concerning contributions by the state,
26 26 is amended to provide that the PORS board shall certify the
26 27 state's contribution rate for the upcoming fiscal year by
26 28 January, instead of November.

26 29 Code section 97A.14, concerning hospitalization and medical
26 30 attention for members injured while in the performance of
26 31 their duties, is amended to provide a description of what
26 32 constitutes medical attention, require beneficiaries to submit
26 33 reimbursement claims within 12 months, and provide that the
26 34 requirement to provide reimbursement ceases once the disability
26 35 beneficiary is no longer receiving a disability retirement



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27 1 benefit.

27 2 The bill also directs the PORS board to conduct a
27 3 comprehensive examination of the plan design of PORS and to
27 4 submit a report, by October 15, 2011, to the public retirement
27 5 systems committee concerning the results of the examination
27 6 and any other recommendations for benefit or other statutory
27 7 changes to PORS.

27 8 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS). Code
27 9 section 97B.1A, is amended to add a definition for final
27 10 average covered wage. The bill provides that a member's final
27 11 average covered wage is the greater of the member's highest
27 12 five years of a covered wage or the member's three-year average
27 13 covered wage as of June 30, 2012. The new definition provides
27 14 that a member's highest five years of covered wages shall be
27 15 the lesser of the member's highest five years of covered wages
27 16 or an amount equal to 134 percent of the member's highest
27 17 calendar year of wages not used in calculating the member's
27 18 five-year average covered wage. The bill provides that for the
27 19 period from July 1, 2010, until June 30, 2012, a member's final
27 20 average covered wage shall be the member's three-year average
27 21 covered wage.

27 22 Code section 98B.1A(25), concerning the definition of vested
27 23 member, is amended to provide that beginning July 1, 2012, a
27 24 member in regular service shall be vested if the member has
27 25 completed at least seven years of service or has attained
27 26 the age of 65 or greater while in covered employment. For
27 27 members in special service, the bill provides that a member
27 28 is vested if the member has completed at least four years of
27 29 special service or has attained the age of 55 or greater while
27 30 in covered employment. Current law provides that for both
27 31 members in regular and special service, a member is vested
27 32 upon completing at least four years of any service or has
27 33 attained the age of 55 while an active member of the system.
27 34 The bill establishes a definition for vested by service which
27 35 is included within the definition of vested member and includes



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28 1 only those vesting provisions which are based upon years of
28 2 membership service and not solely based upon the age of the
28 3 member.

28 4 Code section 97B.4(2)(c) is amended by striking the
28 5 provision which authorized the system to enter into a biennial
28 6 agreement with the department of administrative services
28 7 concerning the sharing of resources between IPERS and the
28 8 department.

28 9 Code section 97B.4(4)(a), concerning the annual report
28 10 to the governor, is amended by striking the inclusion of
28 11 information relative to investment management expenses
28 12 described in Code section 97B.7(3)(d). Legislation enacted
28 13 in 2008 struck the requirement in Code section 97B.7(3)(d)
28 14 limiting investment management expenses to 0.4 percent of the
28 15 fund value.

28 16 Code section 97B.11, concerning contributions by employer
28 17 and employee, is amended to provide that beginning July 1,
28 18 2011, the required contribution for all categories of IPERS
28 19 members may vary by 1 percentage point from the required
28 20 contribution rate for the previous year. Current law only
28 21 allows a 0.5 percentage point variance. The bill also provides
28 22 that the required contribution rate for regular members in
28 23 IPERS shall be 13.45 percent for the fiscal year beginning July
28 24 1, 2011.

28 25 Code section 97B.49A, concerning the calculation of a
28 26 retirement allowance for regular members of IPERS, is amended
28 27 to provide that the benefit shall be calculated using the
28 28 member's final average covered wage and not the member's
28 29 three-year average covered wage.

28 30 Code section 97B.49D, concerning the hybrid formula, is
28 31 amended to provide that a person is eligible to utilize this
28 32 formula if the member is vested by service, based upon the
28 33 new definition added in this bill. The Code section is also
28 34 amended to provide that the calculation of the regular member's
28 35 portion of the benefit shall be calculated using the member's



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29 1 final average covered wage and not the member's three-year
29 2 average covered wage.
29 3 Code section 97B.50, concerning penalties for early
29 4 retirement, is amended to provide that for a member who is
29 5 not vested on June 30, 2012, and who retires and receives a
29 6 retirement allowance prior to the member's normal retirement
29 7 date, the retirement allowance shall be reduced by 0.5 percent
29 8 for each month the early retirement date precedes the date
29 9 the member attains age 65. If the member is vested on June
29 10 30, 2012, the bill provides that the portion of the member's
29 11 retirement allowance based upon years of service prior to June
29 12 30, 2012, shall be reduced, based on current law, by 0.25
29 13 percent for each month that the retirement allowance precedes
29 14 the member's earliest normal retirement date and the portion of
29 15 the member's retirement allowance based upon years of service
29 16 after June 30, 2012, shall be reduced in the same manner as for
29 17 members who were not vested on June 30, 2012. This provision
29 18 takes effect June 30, 2012.
29 19 Code section 97B.52, concerning death benefits, is amended
29 20 to utilize the years-of-service definition created in this
29 21 bill.
29 22 Code section 97B.52A, concerning the determination of a
29 23 bona fide retirement under IPERS, is amended. Current law
29 24 allows, until July 2010, a person to retire, receive retirement
29 25 benefits, and to return to covered employment as a licensed
29 26 health care professional at a public hospital after one month
29 27 and still receive retirement benefits. Most retirees under
29 28 IPERS are not allowed to return to covered employment and
29 29 continue to receive retirement benefits until at least four
29 30 months after they retire. The bill extends the sunset of
29 31 this shortened period for licensed health care professionals
29 32 from July 2010 to July 2012. This provision of the bill also
29 33 provides that a person retired under IPERS may return to
29 34 noncovered employment as a member of the national guard called
29 35 to state active duty at any time for purposes of determining a



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30 1 bona fide retirement under IPERS. These provisions take effect
30 2 upon enactment and the provision relative to the national guard
30 3 is retroactively applicable to May 25, 2008.
30 4 2009 Iowa Acts, chapter 170, is amended. That provision
30 5 allowed an IPERS member to purchase additional wage credits
30 6 equal to the pay the member would have received if the member
30 7 was not furloughed and received a reduction in pay from
30 8 January 1, 2009, until June 30, 2010. The bill extends this
30 9 provision until June 30, 2011, and allows a person who has
30 10 an employee=exercised reduction in pay by means of taking
30 11 a reduction in pay through exercising union bumping rights
30 12 the ability to purchase these wage credits. This provision
30 13 takes effect upon enactment and is retroactively applicable to
30 14 January 1, 2009.
30 15 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM (MFPRSI).
30 16 Code section 411.1(9), concerning the definition of earnable
30 17 compensation, is amended to provide that overtime compensation
30 18 is included as earnable compensation for purposes of
30 19 MFPRSI. Current law excludes overtime compensation from this
30 20 definition. The bill provides that any increased cost arising
30 21 out of this change shall not result in an increase in the
30 22 member's contribution rate.
30 23 Code section 411.1(22), concerning the definition of
30 24 surviving spouse, is amended to provide that the term is not
30 25 limited to situations in which the member was in active service
30 26 at the time of death.
30 27 Code section 411.6(3), concerning ordinary disability
30 28 retirement benefit, is amended to define knowledge of a
30 29 preexisting medical condition that may disqualify a person from
30 30 benefits in the same manner as it is defined for purposes of an
30 31 accidental disability retirement under section 411.6(5).
30 32 Code section 411.6(8), concerning ordinary death benefits,
30 33 is amended to provide that a surviving spouse may elect a
30 34 pension in lieu of the death benefit otherwise payable if the
30 35 surviving spouse is the beneficiary based on the member's



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31 1 designation or by default if the member did not designate a
31 2 beneficiary or the designated beneficiary predeceased the
31 3 member.
31 4 Code section 411.6B, concerning rollovers of member's
31 5 accounts, is amended to comply with the nonspouse rollover
31 6 mandate of the federal Worker, Retiree, and Employer Recovery
31 7 Act of 2008.
31 8 Code section 411.8, concerning the financing of MFPRSI,
31 9 is amended to increase the employee contribution rate by 0.5
31 10 percentage points for four years beginning July 1, 2010, from
31 11 9.4 percent of pay, until reaching 11.4 percent beginning on
31 12 and after July 1, 2013. The Code section is also amended to
31 13 provide that the cost to cover any increase in cost to MFPRSI
31 14 resulting from any statutory changes enacted after January
31 15 1, 2011, shall be divided with 60 percent of the increased
31 16 cost paid by employers and 40 percent by the employees, if the
31 17 increased cost cannot be absorbed within the contribution rates
31 18 otherwise established.
31 19 Code section 411.9, concerning military service, is amended.
31 20 New subsection 1A provides that if a member dies while
31 21 performing qualified military service, the member shall be
31 22 treated as if the member was an active employee under MFPRSI
31 23 for purposes of determining benefits under MFPRSI arising out
31 24 of that date. This provision takes effect upon enactment and
31 25 applies to deaths occurring on or after January 1, 2007.
31 26 New subsection 1B provides that if a member who is absent
31 27 while serving in the armed services is receiving a differential
31 28 wage from the member's city, the member is treated as an
31 29 employee of the employer making the payment and an active
31 30 member of the system, the differential wage payment is treated
31 31 as earnable compensation of the member, and the system is not
31 32 treated as failing to meet the requirements of any provision
31 33 described in the federal Internal Revenue Code by reason of
31 34 any contribution or benefit which is based on the differential
31 35 wage payment. This provision takes effect upon enactment and



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32 1 applies retroactively to December 31, 2008.
32 2 Code section 411.20, concerning a state appropriation
32 3 to MFPRSI, is repealed. That Code section required an
32 4 appropriation from the general fund of the state to MFPRSI
32 5 for each fiscal year an amount necessary to finance the cost
32 6 of benefits provided in Code chapter 411 by amendments of the
32 7 Acts of the Sixty=sixth General Assembly. Code section 8.59
32 8 had frozen this appropriation to those amounts expended for the
32 9 fiscal year commencing July 1, 1992. The bill does provide
32 10 that an appropriation to MFPRSI from the general fund during FY
32 11 2010=2011 of \$1,500,000, and during FY 2011=2012 of \$750,000.
32 12 The bill also directs the MFPRSI board to conduct a
32 13 comprehensive examination of the plan design of MFPRSI and to
32 14 submit a report, by October 15, 2011, to the public retirement
32 15 systems committee concerning the results of the examination
32 16 and any other recommendations for benefit or other statutory
32 17 changes to MFPRSI.

LSB 5346IC (12) 83

ec/sc



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House Study Bill 567

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act relating to child support recovery including child
2 support provisions for minor parents, medical support, and
3 the review and adjustment process.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5348XD (4) 83
pf/nh



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1 1 Section 1. Section 252B.5, subsection 2, Code Supplement
1 2 2009, is amended to read as follows:

1 3 2. Aid in establishing paternity and securing a court or
1 4 administrative order for support pursuant to chapter 252A,
1 5 252C, 252F, or 600B, or any other chapter providing for
1 6 the establishment of paternity or support. In an action to
1 7 establish support, the resident parent may be a proper party
1 8 defendant for purposes of determining medical support as
1 9 provided in section 252E.1A upon service of notice as provided
1 10 in this chapter and without a court order as provided in
1 11 the rules of civil procedure. The unit's independent cause
1 12 of action shall not bar a party from seeking support in a
1 13 subsequent proceeding.

1 14 Sec. 2. Section 252F.1, subsection 4, Code Supplement 2009,
1 15 is amended to read as follows:

1 16 4. "Party" means a putative father or a mother, as named in
1 17 an action.

1 18 Sec. 3. Section 252F.4, subsections 1 through 4, Code
1 19 Supplement 2009, are amended to read as follows:

1 20 1. If ~~both parties fail~~ each party fails to respond to the
1 21 initial notice within twenty days after the date of service of
1 22 the notice or ~~fail fails~~ to appear at a conference pursuant to
1 23 section 252F.3 on the scheduled date of the conference, and
1 24 paternity has not been contested and ~~both parties fail~~ each
1 25 party fails to timely request a court hearing on the issue of
1 26 support, the administrator shall enter an order against the
1 27 parties, declaring the putative father to be the legal father
1 28 of the child or children involved and assessing any accrued and
1 29 accruing child support obligation pursuant to the guidelines
1 30 established under section 598.21B, and medical support pursuant
1 31 to chapter 252E.

1 32 2. If paternity is contested pursuant to section 252F.3,
1 33 subsection 6, and the party contesting paternity fails to
1 34 appear for a paternity test and fails to request a rescheduling
1 35 pursuant to section 252F.3, or fails to appear for both the



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2 1 initial and the rescheduled paternity tests and ~~both parties~~
2 2 ~~fail each party fails~~ to timely request a court hearing on
2 3 the issue of support, the administrator shall enter an order
2 4 against the parties declaring the putative father to be the
2 5 legal father of the child or children involved and assessing
2 6 any accrued and accruing child support obligation pursuant to
2 7 the guidelines established under section 598.21B, and medical
2 8 support pursuant to chapter 252E.
2 9 3. If a conference pursuant to section 252F.3 is held,
2 10 and paternity is not contested, and ~~both parties fail each~~
2 11 ~~party fails~~ to timely request a court hearing on the issue of
2 12 support, the administrator shall enter an order against the
2 13 parties after the second notice has been sent declaring the
2 14 putative father to be the legal father of the child or children
2 15 involved and assessing any accrued and accruing child support
2 16 obligation pursuant to the guidelines established under section
2 17 598.21B, and medical support pursuant to chapter 252E.
2 18 4. If paternity was contested and paternity testing was
2 19 performed and the putative father was not excluded, if the
2 20 test results indicate that the probability of the putative
2 21 father's paternity is ninety=five percent or greater, if the
2 22 test results are not timely challenged, and if ~~both parties~~
2 23 ~~fail each party fails~~ to timely request a court hearing on
2 24 the issue of support, the administrator shall enter an order
2 25 against the parties declaring the putative father to be the
2 26 legal father of the child or children involved and assessing
2 27 any accrued and accruing child support obligation pursuant to
2 28 the guidelines established under section 598.21B, and medical
2 29 support pursuant to chapter 252E.
2 30 Sec. 4. Section 252H.7, subsection 1, unnumbered paragraph
2 31 1, Code 2009, is amended to read as follows:
2 32 A parent may waive the ~~thirty=day~~ ten=day prereview waiting
2 33 period provided for in section 252H.16.
2 34 Sec. 5. Section 252H.7, subsection 1, paragraph a, Code
2 35 2009, is amended to read as follows:



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3 1 a. Upon receipt of signed requests from both parents
3 2 waiving the prereview waiting period, the unit may conduct a
3 3 review of the support order prior to the expiration of the
3 4 ~~thirty-day~~ ten-day period provided in section 252H.16.

3 5 Sec. 6. Section 252H.8, subsections 1 and 7, Code 2009, are
3 6 amended to read as follows:

3 7 1. For actions initiated under section 252H.15, either
3 8 parent or the unit may request a court hearing within
3 9 ~~thirty~~ ten days from the date of issuance of the notice of
3 10 decision under section 252H.16, or within ten days of the date
3 11 of issuance of the second notice of decision under section
3 12 252H.17, whichever is later.

3 13 7. For actions initiated under section 252H.15, a
3 14 hearing shall not be held for at least ~~thirty-one~~ eleven days
3 15 following the date of issuance of the notice of decision
3 16 unless the parents have jointly waived, in writing, the
3 17 ~~thirty-day~~ ten-day postreview period.

3 18 Sec. 7. Section 252H.14A, subsection 1, Code 2009, is
3 19 amended to read as follows:

3 20 1. Notwithstanding section 252H.15, ~~to assist the unit in~~
~~3 21 meeting the requirement for reviews and adjustments under the~~
~~3 22 federal Deficit Reduction Act of 2005, Pub.L. No.109=171, the~~
3 23 unit may use procedures under this section to review a support
3 24 order if all the following apply:

3 25 a. One of the following applies:

3 26 (1) The right to ongoing child support is assigned to the
3 27 state of Iowa due to the receipt of family investment program
3 28 assistance, and a review of the support order is required under
3 29 section 7302 of the federal Deficit Reduction Act of 2005, Pub.
3 30 L. No.109=171.

3 31 (2) A parent requests a review, provides the unit with
3 32 financial information as part of that request, and the order
3 33 meets the criteria for review under this subchapter.

3 34 b. The unit has access to information concerning the
3 35 financial circumstances of each parent and one of the following



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4 1 applies:

4 2 (1) The parent is a recipient of family investment program
4 3 assistance, medical assistance, or food assistance from the
4 4 department.

4 5 (2) The parent's income is from supplemental security
4 6 income paid pursuant to 42 U.S.C. {1381a.

4 7 (3) The parent is a recipient of disability benefits under
4 8 the Act because of the parent's disability.

4 9 (4) The parent is an inmate of an institution under the
4 10 control of the department of corrections.

4 11 (5) The unit has access to information described in section
4 12 252B.7A, subsection 1, paragraph "c".

4 13 Sec. 8. Section 252H.16, subsection 2, Code 2009, is amended
4 14 to read as follows:

4 15 2. Unless both parents have waived the prereview notice
4 16 period as provided for in section 252H.7, the review shall not
4 17 be conducted for at least ~~thirty~~ ten days from the date both
4 18 parents were successfully served with the notice required in
4 19 section 252H.15.

4 20 Sec. 9. Section 598.21B, subsection 2, paragraph e,
4 21 unnumbered paragraph 1, Code Supplement 2009, is amended to
4 22 read as follows:

4 23 Unless the special circumstances of the case justify a
4 24 deviation, the court or the child support recovery unit shall
4 25 establish a monthly child support payment ~~of twenty-five~~
4 26 ~~dollars~~ in accordance with the guidelines for a parent who is
4 27 nineteen years of age or younger, who has not received a high
4 28 school or high school equivalency diploma, and to whom each of
4 29 the following apply:

4 30 Sec. 10. RULES. Until the department of human services
4 31 amends rules pursuant to chapter 17A necessary to conform with
4 32 the sections of this Act amending sections 252H.7, 252H.8,
4 33 252H.14A, and 252H.16, any existing rule relating to review and
4 34 adjustment of support orders shall apply as follows:

4 35 1. Any provision for a time limit that conflicts with a



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5 1 provision of this Act amending section 252H.7, 252H.8, or
5 2 252H.16, shall not apply.
5 3 2. Any rule that applies to review and adjustment of support
5 4 orders shall also apply to review under section 252H.14A, as
5 5 amended by this Act, except that a provision for a time limit,
5 6 notice, or other procedure which conflicts with a provision of
5 7 section 252H.14A, as amended by this Act, shall not apply.

5 8 EXPLANATION

5 9 This bill amends child support recovery provisions relating
5 10 to child support obligations for minor parents, medical
5 11 support, and the review and adjustment process.

5 12 The amendment to Code section 252B.5 provides for a process,
5 13 consistent with other child support Code chapters, to add
5 14 a party to an action in determining medical support. The
5 15 amendments to Code chapter 252F relating to administrative
5 16 establishment of paternity, correct an inconsistency in the
5 17 Code chapter between the provisions for advance notice to the
5 18 parent about an order which currently apply to each parent
5 19 (Code section 252F.3) and obtaining a paternity and support
5 20 order which currently apply to both parents (Code section
5 21 252F.4). The bill amends Code section 252F.4 and makes a
5 22 conforming change in Code section 252F.1 to provide that both
5 23 parties would not always have to be formally served and added
5 24 or joined to a paternity and medical support proceeding, but
5 25 would be added only as necessary.

5 26 The amendments to Code chapter 252H relating to review and
5 27 adjustment of child support orders shorten the waiting periods
5 28 in regular reviews from 30 days to 10 days for both the time
5 29 allowed parents to gather necessary information to submit to
5 30 the child support recovery unit (CSRU) and for parents to study
5 31 the revised child support calculation sent to them by the CSRU.
5 32 The 30-day time period was eliminated as a mandate in federal
5 33 law in 1996. The bill also makes changes to the abbreviated
5 34 review process, currently used when a child is enrolled in the
5 35 family investment program, to also allow the shortened process



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6 1 in cases in which a parent requests a review or when CSRU has
6 2 access to the necessary information through an automated source
6 3 such as unemployment benefits, wage information, or information
6 4 from the parent's current employer. In effect, the process
6 5 is abbreviated by eliminating the first waiting period (used
6 6 for asking and waiting for both parents to gather and send
6 7 in their financial information, because the information is
6 8 already available from an automated source), while retaining
6 9 the regular postreview waiting period for the parents to review
6 10 the child support calculation.

6 11 The bill also amends Code section 598.21B to conform with
6 12 new child support guidelines. Current law, based on the former
6 13 guidelines, requires minor parent payors who are still in high
6 14 school to pay a minimum of \$25 a month in support. Under the
6 15 new guidelines providing for support amounts of less than \$25
6 16 a month, such a minor parent could pay less than \$25, as is
6 17 reflected in the language of the bill.

6 18 The bill also provides transition provisions relating
6 19 to existing rules that conflict with review and adjustment
6 20 provisions of the bill.

LSB 5348XD (4) 83

pf/nh



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House Study Bill 568

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
RIGHTS BILL)

A BILL FOR

1 An Act relating to the provision of deliverable fuels to
2 customers eligible for the federal low-income home energy
3 assistance program, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5443XD (5) 83
rn/nh



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1 1 Section 1. NEW SECTION. 216A.105 Deliverable fuels access
1 2 for low-income home energy assistance program customers ==
1 3 rulemaking authority.

1 4 1. The rulemaking authority of the division shall apply to
1 5 all deliverable fuel vendors regarding the provision of service
1 6 to low-income home energy assistance program customers.

1 7 2. The division shall adopt rules governing contracts and
1 8 agreements with deliverable fuel vendors in order to protect
1 9 the rights of persons who heat their homes with deliverable
1 10 fuels and who are eligible for the federal low-income home
1 11 energy assistance program. This section shall be narrowly
1 12 construed to confer rulemaking authority strictly with respect
1 13 to customer access to deliverable fuels from November 1 to
1 14 April 1 annually.

1 15 3. For the purposes of this section, unless the context
1 16 otherwise requires:

1 17 a. "Deliverable fuel" means propane or any other heating
1 18 fuel sold or delivered within this state for home heating
1 19 purposes.

1 20 b. "Deliverable fuel vendor" means a retail propane
1 21 dispenser, retail propane marketer, or a retail dispenser or
1 22 marketer of a deliverable fuel other than propane.

1 23 c. "Propane", "retail propane dispenser", and "retail propane
1 24 marketer" mean the same as defined in section 101C.2.

1 25 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 26 immediate importance, takes effect upon enactment.

1 27 EXPLANATION

1 28 This bill confers rulemaking authority upon the division
1 29 of community action agencies of the department of human
1 30 rights with respect to ensuring access by customers eligible
1 31 for the federal low-income home energy assistance program to
1 32 deliverable fuels for home heating purposes. The bill provides
1 33 that the division shall adopt rules governing contracts and
1 34 agreements with deliverable fuel vendors in order to protect
1 35 the rights of eligible persons who heat their homes with



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2 1 deliverable fuels. The rulemaking authority is to be narrowly
2 2 construed to apply strictly to customer access to deliverable
2 3 fuels from November 1 to April 1 annually.
2 4 The bill takes effect upon enactment.

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rn/nh



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House Study Bill 569

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act revising the duties of the mental health, mental
2 retardation, developmental disabilities, and brain injury
3 commission and related provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5356XD (10) 83
jp/nh



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1 1 DIVISION I
 1 2 GENERAL AMENDMENTS
 1 3 Section 1. Section 135C.23, subsection 2, paragraph b, Code
 1 4 Supplement 2009, is amended to read as follows:
 1 5 b. This section does not prohibit the admission of a
 1 6 patient with a history of dangerous or disturbing behavior to
 1 7 an intermediate care facility for persons with mental illness,
 1 8 intermediate care facility for persons with mental retardation,
 1 9 nursing facility, or county care facility when the intermediate
 1 10 care facility for persons with mental illness, intermediate
 1 11 care facility for persons with mental retardation, nursing
 1 12 facility, or county care facility has a program which has
 1 13 received prior approval from the department to properly care
 1 14 for and manage the patient. An intermediate care facility for
 1 15 persons with mental illness, intermediate care facility for
 1 16 persons with mental retardation, nursing facility, or county
 1 17 care facility is required to transfer or discharge a resident
 1 18 with dangerous or disturbing behavior when the intermediate
 1 19 care facility for persons with mental illness, intermediate
 1 20 care facility for persons with mental retardation, nursing
 1 21 facility, or county care facility cannot control the resident's
 1 22 dangerous or disturbing behavior. The department, ~~in~~
~~1 23 coordination with the state mental health, mental retardation,~~
~~1 24 developmental disabilities, and brain injury commission created~~
~~1 25 in section 225C.5,~~ shall adopt rules pursuant to chapter 17A
 1 26 for programs to be required in intermediate care facilities
 1 27 for persons with mental illness, intermediate care facilities
 1 28 for persons with mental retardation, nursing facilities, and
 1 29 county care facilities that admit patients or have residents
 1 30 with histories of dangerous or disturbing behavior.
 1 31 Sec. 2. Section 229.24, subsection 3, unnumbered paragraph
 1 32 1, Code 2009, is amended to read as follows:
 1 33 If all or part of the costs associated with hospitalization
 1 34 of an individual under this chapter are chargeable to a
 1 35 county of legal settlement, the clerk of the district court



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2 1 shall provide to the county of legal settlement and to the
2 2 county in which the hospitalization order is entered, ~~in a~~
~~2 3 form prescribed by the mental health, mental retardation,~~
~~2 4 developmental disabilities, and brain injury commission,~~ the
2 5 following information pertaining to the individual which would
2 6 be confidential under subsection 1:

2 7 Sec. 3. Section 230A.2, Code 2009, is amended to read as
2 8 follows:

2 9 230A.2 Services offered.

2 10 A community mental health center established or operating
2 11 as authorized by section 230A.1 may offer to residents of the
2 12 county or counties it serves any or all of the mental health
2 13 services defined ~~by the mental health, mental retardation,~~
~~2 14 developmental disabilities, and brain injury commission~~ in the
2 15 comprehensive state mental health and disability services plan
2 16 under section 225C.6B.

2 17 Sec. 4. Section 230A.15, Code 2009, is amended to read as
2 18 follows:

2 19 230A.15 Comprehensive community mental health program.

2 20 A community mental health center established or operating
2 21 as authorized by section 230A.1, or which a county or group
2 22 of counties has agreed to establish or support pursuant
2 23 to that section, may with approval of the board or boards
2 24 of supervisors of the county or counties supporting or
2 25 establishing the center, undertake to provide a comprehensive
2 26 community mental health program for the county or counties.
2 27 A center providing a comprehensive community mental health
2 28 program shall, at a minimum, make available to residents of the
2 29 county or counties it serves all of the ~~comprehensive~~ mental
2 30 health services described in the comprehensive state mental
2 31 health and disability services plan under section 225C.6B.

2 32 Sec. 5. Section 331.424A, subsection 1, Code Supplement
2 33 2009, is amended to read as follows:

2 34 1. For the purposes of this chapter, unless the context
2 35 otherwise requires, "services fund" means the county mental



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3 1 health, mental retardation, and developmental disabilities
3 2 services fund created in subsection 2. The ~~county finance~~
~~3 3 committee created in section 333A.2 shall consult with~~
~~3 4 the state commission in adopting shall adopt rules and~~
~~3 5 prescribing forms~~ for administering the services fund. The
3 6 county finance committee created in section 333A.2 shall
3 7 prescribe forms in accordance with the rules adopted by the
3 8 state commission. The forms shall allow for reporting of
3 9 services for persons with brain injury and other optional
3 10 services funded through a services fund.

3 11 Sec. 6. Section 331.438, subsection 1, paragraph b, Code
3 12 2009, is amended to read as follows:
3 13 b. "Qualified mental health, mental retardation, and
3 14 developmental disabilities services" means the services
3 15 specified on forms issued in the rules adopted by the county
~~3 16 finance committee following consultation with the state~~
3 17 commission for administering the services fund, pursuant to
3 18 section 331.424A.

3 19 Sec. 7. Section 331.438, subsection 4, paragraph b, Code
3 20 2009, is amended to read as follows:
3 21 b. The state commission shall do all of the following:
3 22 (1) Identify Receive and review reports from the department
3 23 of human services identifying characteristics of the
3 24 service county services system, including amounts expended,
3 25 equity of funding among counties, funding sources, provider
3 26 types, service availability, and equity of service availability
3 27 among counties and among persons served.
3 28 ~~(2) Assess the accuracy and uniformity of recordkeeping and~~
~~3 29 reporting in the service system.~~
3 30 ~~(3) Identify for each county the factors associated with~~
~~3 31 inflationary growth of the service system.~~
3 32 ~~(4) Identify opportunities for containing service system~~
~~3 33 growth.~~
3 34 ~~(5) (2) Consider proposals for revising service county~~
3 35 services system administrative rules.



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4 1 ~~(6) Consider provisions and adopt rules for counties to~~
~~4 2 implement a central point of coordination to plan, budget,~~
~~4 3 and monitor county expenditures for the service system. The~~
~~4 4 provisions shall provide options for counties to implement~~
~~4 5 the central point of coordination in collaboration with other~~
~~4 6 counties.~~
4 7 ~~(7) Develop criteria for annual county mental health,~~
~~4 8 mental retardation, and developmental disabilities plans.~~
4 9 ~~(8) (3) Adopt administrative rules identifying qualified~~
~~4 10 mental health, mental retardation, and developmental~~
~~4 11 disabilities service expenditures for purposes of state payment~~
~~4 12 pursuant to subsection 1 relating to county management plans.~~
4 13 ~~(9) Adopt rules for the county central point of coordination~~
~~4 14 and clinical assessment processes required under section~~
~~4 15 331.440 and other rules necessary for the implementation of~~
~~4 16 county management plans and expenditure reports required for~~
~~4 17 state payment pursuant to section 331.439.~~
4 18 ~~(10) Consider recommendations to improve the programs and~~
~~4 19 cost-effectiveness of state and county contracting processes~~
~~4 20 and procedures, including strategies for negotiations relating~~
~~4 21 to managed care. The recommendations implemented by the~~
~~4 22 commission for the state and county regarding managed care~~
~~4 23 shall include but are not limited to standards for limiting~~
~~4 24 excess costs and profits, and for restricting cost shifting~~
~~4 25 under a managed care system.~~
4 26 ~~(11) (4) Provide input, when appropriate, to the director~~
4 27 of human services in any decision involving administrative
4 28 rules which were adopted by the department of human services
4 29 pertaining to the mental illness, mental retardation, and
~~4 30 developmental disabilities services system administered by~~
4 31 counties.
4 32 ~~(12) Identify the fiscal impact of existing or proposed~~
~~4 33 legislation and administrative rules on state and county~~
~~4 34 expenditures.~~
4 35 ~~(13) Adopt administrative rules providing statewide~~



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~~5 1 standards and a monitoring methodology to determine whether
5 2 cost-effective individualized services are available as
5 3 required pursuant to section 331.439, subsection 1, paragraph
5 4 "b".~~

5 5 ~~(14)~~ (5) Consider recommendations for and adopt
5 6 administrative rules establishing statewide minimum standards
5 7 for services and other support required to be available to
5 8 persons covered by a county management plan under section
5 9 331.439.

5 10 ~~(15)~~ (6) Consider recommendations for measuring and
5 11 improving the quality of state and county mental health, mental
5 12 retardation, and developmental disabilities services and other
5 13 support.

~~5 14 (16) Develop a procedure for each county to disclose to
5 15 the department of human services information approved by the
5 16 commission concerning the mental health, mental retardation,
5 17 developmental disabilities, and brain injury services provided
5 18 to the individuals served through the county central point
5 19 of coordination process. The procedure shall incorporate
5 20 protections to ensure that if individually identified
5 21 information is disclosed, it is disclosed and maintained in
5 22 compliance with applicable Iowa and federal confidentiality
5 23 laws, including but not limited to federal Health Insurance
5 24 Portability and Accountability Act, Pub.L. No.104-191,
5 25 requirements.~~

5 26 Sec. 8. Section 331.439, subsection 1, unnumbered paragraph
5 27 1, Code 2009, is amended to read as follows:

5 28 The state payment to eligible counties under this section
5 29 shall be made as provided in sections 331.438 and 426B.2. A
5 30 county is eligible for the state payment, as defined in section
5 31 331.438, for a fiscal year if the director of human services,
~~5 32 in consultation with the state commission,~~ determines for a
5 33 specific fiscal year that all of the following conditions are
5 34 met:



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6 1 Sec. 9. Section 331.439, subsection 1, paragraph a, Code
6 2 2009, is amended to read as follows:

6 3 a. The county accurately reported by December 1 the
6 4 county's expenditures for mental health, mental retardation,
6 5 and developmental disabilities services and the information
6 6 required under section 225C.6A, subsection ~~2~~ 3, paragraph
6 7 "c", for the previous fiscal year ~~on forms prescribed by in~~
6 8 accordance with rules adopted by the state commission. If
6 9 the department determines good cause exists, the department
6 10 may extend a deadline otherwise imposed under this chapter,
6 11 chapter 225C, or chapter 426B for a county's reporting
6 12 concerning mental health, mental retardation, or developmental
6 13 disabilities services or related revenues and expenditures.

6 14 Sec. 10. Section 331.439, subsection 1, paragraph b,
6 15 unnumbered paragraph 1, Code 2009, is amended to read as
6 16 follows:

6 17 The county developed and implemented a county management
6 18 plan for the county's mental health, mental retardation, and
6 19 developmental disabilities services system in accordance with
6 20 the provisions of this paragraph "b". The plan shall comply
6 21 with the administrative rules adopted for this purpose by the
6 22 state commission and is subject to the approval of the director
6 23 of human services in consultation with the state commission.
6 24 The plan shall include a description of the county's service
6 25 management provision for mental health, mental retardation, and
6 26 developmental disabilities services. For mental retardation
6 27 and developmental disabilities service management, the plan
6 28 shall describe the county's development and implementation of a
6 29 ~~managed~~ system of cost-effective individualized services and
6 30 shall comply with the provisions of paragraph "f". The goal
6 31 of this part of the plan shall be to assist the individuals
6 32 served to be as independent, productive, and integrated into
6 33 the community as possible. The service management provisions
6 34 for mental health shall comply with the provisions of paragraph
6 35 "e". A county is subject to all of the following provisions



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7 1 in regard to the county's services system management plan and
7 2 planning process:

7 3 Sec. 11. Section 331.439, subsection 1, paragraph b,
7 4 subparagraphs (2) and (3), Code 2009, are amended to read as
7 5 follows:

7 6 (2) For informational purposes, the county shall submit a
7 7 management plan review to the department of human services by
7 8 December 1 of each year. The annual review shall incorporate
7 9 an analysis of the data associated with the services
7 10 system managed during the preceding fiscal year by the county
7 11 or by a ~~managed-care~~ private entity on behalf of the county.
7 12 The annual review shall also identify measurable outcomes
7 13 and results showing the county's progress in fulfilling
7 14 the purposes listed in paragraph "c", and in achieving the
7 15 disability services outcomes and indicators identified by the
7 16 commission pursuant to section 225C.6.

7 17 (3) For informational purposes, every three years the
7 18 county shall submit to the department of human services a
7 19 three-year strategic plan. The strategic plan shall describe
7 20 how the county will proceed to attain the plan's goals and
7 21 objectives, and the measurable outcomes and results necessary
7 22 for moving the county's ~~service~~ services system toward an
7 23 individualized, community-based focus in accordance with
7 24 paragraph "c". The three-year strategic plan shall be
7 25 submitted by April 1, 2000, and by April 1 of every third year
7 26 thereafter.

7 27 Sec. 12. Section 331.439, subsection 1, paragraphs c, e, and
7 28 f, Code 2009, are amended to read as follows:

7 29 c. The county implements its county management plan under
7 30 paragraph "b" and other service management functions in a
7 31 manner that seeks to achieve all of the following purposes
7 32 identified in section 225C.1 for persons who are covered by the
7 33 plan or are otherwise subject to the county's ~~service~~ services
7 34 system management functions:

7 35 (1) The ~~service~~ services system seeks to empower persons



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8 1 to exercise their own choices about the amounts and types of
8 2 services and other support received.

8 3 (2) The ~~service~~ services system seeks to empower the persons
8 4 to accept responsibility, exercise choices, and take risks.

8 5 (3) The ~~service~~ services system seeks to provide services
8 6 and other support that are individualized, provided to produce
8 7 results, flexible, and cost-effective.

8 8 (4) The ~~service~~ services system seeks to provide services
8 9 and other ~~supports~~ support in a manner which supports the
8 10 ability of the persons to live, learn, work, and recreate in
8 11 communities of their choice.

8 12 e. (1) For mental health service management, the county
8 13 may either directly implement a system of service management
8 14 and contract with service providers, or contract with a
8 15 private entity to manage the county services system, provided
8 16 all requirements of this lettered paragraph are met by the
8 17 private entity. The mental health ~~service management~~ services
8 18 system shall incorporate a central point of coordination and
8 19 clinical assessment process developed in accordance with the
8 20 provisions of section 331.440.

8 21 (2) ~~A managed care~~ The county services system for mental
8 22 health proposed by a county shall include but is not limited
8 23 to all of the following elements which shall be specified in
8 24 administrative rules adopted by the state commission:

8 25 (a) The enrollment and eligibility process.
8 26 (b) The scope of services included.
8 27 (c) The method of plan administration.
8 28 (d) The process for managing utilization and access to
8 29 services and other assistance.
8 30 (e) The quality assurance process.
8 31 (f) The risk management provisions and fiscal viability of
8 32 the provisions, if the county contracts with a private ~~managed~~
8 33 ~~care~~ entity.

8 34 f. For mental retardation and developmental disabilities
8 35 services management, the county must either develop and



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9 1 implement a ~~managed~~ system of care which addresses a full
9 2 array of appropriate services and cost-effective delivery of
9 3 services by contracting directly with service providers or
9 4 contract by contracting with a state-approved managed care
~~9 5 contractor or contractors private entity to manage the county~~
9 6 services system. Any system or contract implemented under
~~9 7 this paragraph~~ The county services system shall incorporate a
9 8 central point of coordination and clinical assessment process
9 9 developed in accordance with the provisions of section 331.440.
9 10 The elements of the county managed system of care a county
~~9 11 services system~~ shall be specified in rules developed by the
9 12 department of human services in consultation with and adopted
9 13 by the state commission.
9 14 Sec. 13. Section 331.439, subsection 3, paragraph b, Code
9 15 2009, is amended to read as follows:
9 16 b. Based upon information contained in county management
9 17 plans and budgets and proposals made by representatives of
9 18 counties, the state commission shall recommend an allowed
9 19 growth factor adjustment to the governor by November 15
9 20 for the fiscal year which commences two years from the
9 21 beginning date of the fiscal year in progress at the time the
9 22 recommendation is made. The allowed growth factor adjustment
9 23 ~~shall may~~ address various costs including but not limited to
9 24 the costs associated with new consumers of service, service
9 25 cost inflation, and investments for economy and efficiency. In
9 26 developing the service cost inflation recommendation, the state
9 27 commission shall consider the cost trends indicated by the
9 28 gross expenditure amount reported in the expenditure reports
9 29 submitted by counties pursuant to subsection 1, paragraph
9 30 "a". The governor shall consider the state commission's
9 31 recommendation in developing the governor's recommendation for
9 32 an allowed growth factor adjustment for such fiscal year. The
9 33 governor's recommendation shall be submitted at the time the
9 34 governor's proposed budget for the succeeding fiscal year is
9 35 submitted in accordance with chapter 8.



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10 1 Sec. 14. Section 331.439, subsection 7, Code 2009, is
10 2 amended to read as follows:
10 3 7. A county shall annually report data concerning the
10 4 county's services system managed by in accordance with the
10 5 county management plan. At a minimum, the data reported shall
10 6 indicate the number of different individuals who utilized
10 7 services in a fiscal year and the various types of services.
10 8 Data reported under this subsection shall be submitted with
10 9 the county's expenditure report required under subsection 1,
10 10 paragraph "a".

DIVISION II

CODE CHAPTER 225C AMENDMENTS

10 13 Sec. 15. Section 225C.4, subsection 1, paragraph a, Code
10 14 2009, is amended to read as follows:

10 15 a. Prepare and administer the comprehensive mental health
10 16 and disability services plan as provided in section 225C.6B,
10 17 including state mental health and mental retardation plans
10 18 for the provision of disability services within the state and
10 19 ~~prepare and administer~~ the state developmental disabilities
10 20 plan. The administrator shall consult with the Iowa department
10 21 of public health, the state board of regents or a body
10 22 designated by the board for that purpose, the department
10 23 of management or a body designated by the director of the
10 24 department for that purpose, the department of education, the
10 25 department of workforce development and any other appropriate
10 26 governmental body, in order to facilitate coordination of
10 27 disability services provided in this state. The state mental
10 28 health and mental retardation plans shall be consistent with
10 29 the state health plan, and shall incorporate county disability
10 30 services plans.

10 31 Sec. 16. Section 225C.6, subsections 1 and 3, Code 2009, are
10 32 amended to read as follows:

10 33 1. To the extent funding is available, the commission shall
10 34 perform the following duties:

10 35 a. Advise the administrator on the administration of the



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11 1 overall state disability services system.

11 2 b. Adopt necessary rules pursuant to chapter 17A which
11 3 relate to disability programs and services, including but not
11 4 limited to definitions of each disability included within the
11 5 term "disability services" as necessary for purposes of state,
11 6 county, and regional planning, programs, and services.

11 7 c. Adopt standards for community mental health centers,
11 8 services, and programs as recommended under section 230A.16.
11 9 The ~~commission~~ administrator shall determine whether to grant,
11 10 deny, or revoke the accreditation of the centers, services, and
11 11 programs.

11 12 d. Adopt standards for ~~the care of and services to persons~~
~~11 13 with mental illness and mental retardation residing in county~~
~~11 14 care facilities recommended under section 227.4~~ the provision
11 15 under medical assistance of individual case management
11 16 services.

11 17 e. Unless another governmental body sets standards for a
11 18 service available to persons with disabilities, adopt state
11 19 standards for that service. ~~The commission shall provide that~~
~~11 20 a service provider's compliance with standards for a service~~
~~11 21 set by a nationally recognized body shall be deemed to be in~~
~~11 22 compliance with the state standards adopted by the commission~~
~~11 23 for that service. The commission shall adopt state standards~~
~~11 24 for those residential and community-based providers of services~~
~~11 25 to persons with mental illness or developmental disabilities~~
~~11 26 that are not otherwise subject to licensure by the department~~
~~11 27 of human services or department of inspections and appeals,~~
~~11 28 including but not limited to remedial services payable under~~
~~11 29 the medical assistance program and other services payable from~~
~~11 30 funds credited to a county mental health, mental retardation,~~
~~11 31 and developmental disabilities services fund created in section~~
~~11 32 331.424A. In addition, the~~ The commission shall review the
11 33 licensing standards used by the department of human services
11 34 or department of inspections and appeals for those facilities
11 35 providing disability ~~services to persons with mental illness~~



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- ~~12 1 or developmental disabilities.~~
12 2 f. Assure that proper reconsideration and appeal procedures
12 3 are available to persons aggrieved by decisions, actions, or
12 4 circumstances relating to accreditation.
12 5 g. Adopt necessary rules for awarding grants from the state
12 6 and federal government as well as other moneys that become
12 7 available to the division for grant purposes.
12 8 h. Annually submit to the governor and the general assembly:
12 9 (1) A report concerning the activities of the commission.
12 10 (2) Recommendations formulated by the commission for
12 11 changes in law.
12 12 i. By January 1 of each odd-numbered year, submit to the
12 13 governor and the general assembly an evaluation of:
12 14 (1) The extent to which services to persons with
12 15 disabilities are actually available to persons in each county
12 16 in the state and the quality of those services.
12 17 (2) The effectiveness of the services being provided by
12 18 disability service providers in this state and by each of the
12 19 state mental health institutes established under chapter 226
12 20 and by each of the state resource centers established under
12 21 chapter 222.
12 22 j. Advise the administrator, the council on human services,
12 23 the governor, and the general assembly on budgets and
12 24 appropriations concerning disability services.
12 25 k. Coordinate activities with the governor's developmental
12 26 disabilities council and the mental health planning council,
12 27 created pursuant to federal law. Work with other state
12 28 agencies on coordinating, collaborating, and communicating
12 29 concerning activities involving persons with disabilities.
12 30 ~~l. Establish standards for the provision under medical~~
12 31 ~~assistance of individual case management services. The~~
12 32 ~~commission shall determine whether to grant, deny, or revoke~~
12 33 ~~the accreditation of the services.~~
12 34 ~~m.~~ l. Identify basic financial eligibility standards for
12 35 disability services. The standards shall include but are not



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13 1 limited to the following:

13 2 (1) A financial eligibility standard providing that a
13 3 person with an income equal to or less than one hundred fifty
13 4 percent of the federal poverty level, as defined by the most
13 5 recently revised poverty income guidelines published by the
13 6 United States department of health and human services, is
13 7 eligible for disability services paid with public funding.
13 8 However, a county may apply a copayment requirement for a
13 9 particular disability service to a person with an income
13 10 equal to or less than one hundred fifty percent of the
13 11 federal poverty level, provided the disability service and
13 12 the copayment amount both comply with rules adopted by the
13 13 commission applying uniform standards with respect to copayment
13 14 requirements. A person with an income above one hundred fifty
13 15 percent of the federal poverty level may be eligible subject
13 16 to a copayment or other cost-sharing arrangement subject to
13 17 limitations adopted in rule by the commission.

13 18 (2) A requirement that a person who is eligible for
13 19 federally funded services and other support must apply for the
13 20 services and support.

13 21 (3) Resource limitations that are derived from the federal
13 22 supplemental security income program limitations. A person
13 23 with resources above the federal supplemental security income
13 24 program limitations may be eligible subject to limitations
13 25 adopted in rule by the commission. If a person does not
13 26 qualify for federally funded services and other support
13 27 but meets income, resource, and functional eligibility
13 28 requirements, the following types of resources shall be
13 29 disregarded:

13 30 (a) A retirement account that is in the accumulation stage.

13 31 (b) A burial, medical savings, or assistive technology
13 32 account.

13 33 ~~n.~~ m. Identify disability services outcomes and indicators
13 34 to support the ability of eligible persons with a disability to
13 35 live, learn, work, and recreate in communities of the persons'



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14 1 choice. The identification duty includes but is not limited to
14 2 responsibility for identifying, collecting, and analyzing data
14 3 as necessary to issue reports on outcomes and indicators at the
14 4 county and state levels.
14 5 ~~e. Prepare five-year plans based upon the county management~~
~~14 6 plans developed pursuant to section 331.439.~~
14 7 ~~p. Work with other state agencies on coordinating,~~
~~14 8 collaborating, and communicating concerning activities~~
~~14 9 involving persons with disabilities.~~
14 10 ~~q. Perform analyses and other functions associated with~~
~~14 11 a redesign of the mental health and developmental disability~~
~~14 12 services systems for adults and for children.~~
14 13 3. If the executive branch creates a committee, task force,
14 14 council, or other advisory body to consider ~~mental health~~
~~14 15 and developmental disabilities~~ disability services policy,
~~14 16 services,~~ or program options involving children or adult
14 17 consumers, the commission is designated to receive and consider
14 18 any report, findings, recommendations, or other work product
14 19 issued by such body. The commission may address the report,
14 20 findings, recommendations, or other work product in fulfilling
14 21 the commission's functions and to advise the department,
14 22 council on human services, governor, and general assembly
14 23 concerning disability services.
14 24 Sec. 17. Section 225C.6A, Code 2009, is amended to read as
14 25 follows:
14 26 225C.6A Mental health, developmental disability, and brain
14 27 injury service system redesign ~~implementation.~~
14 28 1. ~~Purpose. It is the intent of the general assembly~~
~~14 29 to implement a redesign of the mental health, developmental~~
~~14 30 disability, and brain injury service system over a period of~~
~~14 31 years in order to transition to a coordinated system for Iowans~~
~~14 32 with mental illness, mental retardation or other developmental~~
~~14 33 disabilities, or brain injury. Because of the significance of~~
~~14 34 the redesign to the persons who may be affected by it and the~~
~~14 35 degree of uncertainty regarding the extent of funding changes~~



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~~15 1 necessary for implementation, the department and the commission
15 2 shall not implement a redesign provision through rulemaking or
15 3 other means unless specific statutory authority provides for
15 4 the provision's implementation.~~

15 5 2. ~~Initial activities. For the fiscal years beginning
15 6 July 1, 2004, and July 1, 2005, the~~ The commission shall do
15 7 the following relating to redesign of the disability services
15 8 system in the state:

15 9 a. 1. Identify sources of revenue to support statewide
15 10 delivery of core disability services to eligible disability
15 11 populations.

15 12 b. ~~Further develop adult disability services system redesign
15 13 proposals and propose a redesign of the children's disability
15 14 service system. The redesign of the children's system shall
15 15 address issues associated with an individual's transition
15 16 between the two systems.~~

15 17 2. Ensure there is a continuous improvement process for
15 18 development and maintenance of the disability services system
15 19 for adults and children. The process shall include but is not
15 20 limited to data collection and reporting provisions.

15 21 e. ~~(1)~~ 3. a. Plan, collect, and analyze data as necessary
15 22 to issue cost estimates for serving additional populations and
15 23 providing core disability services statewide. The department
15 24 shall maintain compliance with applicable federal and state
15 25 privacy laws to ensure the confidentiality and integrity of
15 26 individually identifiable disability services data. The
15 27 department shall regularly assess the status of the compliance
15 28 in order to assure that data security is protected.

15 29 ~~(2)~~ b. In implementing a system under this paragraph
~~15 30 "e" subsection~~ for collecting and analyzing state, county,
15 31 and private contractor data, the department shall establish a
15 32 client identifier for the individuals receiving services. The
15 33 client identifier shall be used in lieu of the individual's
15 34 name or social security number. The client identifier shall
15 35 consist of the last four digits of an individual's social



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16 1 security number, the first three letters of the individual's
16 2 last name, the individual's date of birth, and the individual's
16 3 gender in an order determined by the department.

16 4 ~~(3)~~ c. Each county shall report to the department annually
16 5 on or before December 1, for the preceding fiscal year the
16 6 following information for each individual served: \$Mdemographic
16 7 information, expenditure data, and data concerning the services
16 8 and other support provided to each individual, as specified in
16 9 administrative rule adopted by the commission.

16 10 ~~d. With consumer input, identify and propose standardized~~
~~16 11 functional assessment tools and processes for use in the~~
~~16 12 eligibility determination process when eligibility for a~~
~~16 13 particular disability population group is implemented. The~~
~~16 14 tools and processes shall be integrated with those utilized~~
~~16 15 for the medical assistance program under chapter 249A. For~~
~~16 16 the initial diagnostic criteria, the commission shall consider~~
~~16 17 identifying a qualifying functional assessment score and any~~
~~16 18 of the following diagnoses: \$Mmental illness, chronic mental~~
~~16 19 illness, mental retardation, developmental disability, or brain~~
~~16 20 injury.~~

16 21 ~~e. The commission shall adopt a multiyear plan for~~
~~16 22 developing and providing the data, cost projections, revenue~~
~~16 23 requirements, and other information needed to support decision~~
~~16 24 making concerning redesign provisions. The information shall~~
~~16 25 be provided as part of the commission's regular reports to the~~
~~16 26 governor and general assembly or more often as determined to be~~
~~16 27 appropriate by the commission.~~

16 28 ~~f. Propose case rates for disability services.~~

16 29 ~~g.~~ 4. Work with county representatives and other qualified
16 30 persons to develop an implementation plan for replacing the
16 31 county of legal settlement approach to determining service
16 32 system funding responsibilities with an approach based upon
16 33 residency. The plan shall address a statewide standard for
16 34 proof of residency, outline a plan for establishing a data
16 35 system for identifying residency of eligible individuals,



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17 1 address residency issues for individuals who began residing in
17 2 a county due to a court order or criminal sentence or to obtain
17 3 services in that county, recommend an approach for contesting
17 4 a residency determination, and address other implementation
17 5 issues.

17 6 Sec. 18. Section 225C.6B, subsection 1, Code 2009, is
17 7 amended to read as follows:

17 8 1. Intent.

17 9 a. The general assembly intends for the state to implement
17 10 a comprehensive, continuous, and integrated state mental
17 11 health and disability services plan in accordance with
17 12 the requirements of sections 225C.4 and 225C.6 and other
17 13 provisions of this chapter, by increasing the department's
17 14 responsibilities in the development, funding, oversight, and
17 15 ongoing leadership of mental health and disability services in
17 16 this state.

17 17 b. In order to further the purposes listed in
17 18 ~~sections section 225C.1 and 225C.27~~ and in other provisions
17 19 of this chapter, the general assembly intends that efforts
17 20 focus on the goal of making available a comprehensive array
17 21 of high-quality, evidence-based consumer and family-centered
17 22 mental health and disability services and other support in the
17 23 least restrictive, community-based setting appropriate for a
17 24 consumer.

17 25 c. In addition, it is the intent of the general assembly
17 26 to promote policies and practices that achieve for consumers
17 27 the earliest possible detection of mental health problems and
17 28 the need for disability services and for early intervention;
17 29 to stress that all health care programs address mental
17 30 health disorders with the same urgency as physical health
17 31 disorders; to promote the policies of all public programs
17 32 that serve adults and children with mental disorders or with
17 33 a need for disability services, including but not limited to
17 34 child welfare, Medicaid, education, housing, criminal and
17 35 juvenile justice, substance abuse treatment, and employment



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18 1 services; to consider the special mental health and disability
18 2 services needs of adults and children; and to promote recovery
18 3 and resiliency as expected outcomes for all consumers.

18 4 Sec. 19. Section 225C.6B, subsection 2, Code 2009, is
18 5 amended by striking the subsection and inserting in lieu
18 6 thereof the following:

18 7 2. Comprehensive plan. The division shall develop a
18 8 comprehensive written five-year state mental health and
18 9 disability services plan with annual updates and readopt
18 10 the plan every five years. The plan shall describe the key
18 11 components of the state's mental health and disability services
18 12 system, including the services that are community-based, state
18 13 institution-based, or regional or state-based. The five-year
18 14 plan and each update shall be submitted annually to the
18 15 commission on or before October 30 for review and approval.

18 16 Sec. 20. Section 225C.21, subsection 2, Code 2009, is
18 17 amended to read as follows:

18 18 2. The commission shall adopt rules pursuant to chapter 17A
18 19 establishing minimum standards for supported community living
18 20 services. The ~~commission~~ administrator shall determine whether
18 21 to grant, deny, or revoke approval for any supported community
18 22 living service.

18 23 Sec. 21. Section 225C.52, subsection 1, Code 2009, is
18 24 amended to read as follows:

18 25 1. Establishing a comprehensive community-based mental
18 26 health services system for children and youth is part of
18 27 fulfilling the requirements of the division and the commission
18 28 to facilitate a comprehensive, continuous, and integrated state
18 29 mental health and disability services plan in accordance with
18 30 sections 225C.4, 225C.6, and 225C.6A, and other provisions
18 31 of this chapter. The purpose of establishing the children's
18 32 system is to improve access for children and youth with
18 33 serious emotional disturbances and youth with other qualifying
18 34 mental health disorders to mental health treatment, services,
18 35 and other support in the least restrictive setting possible



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19 1 so the children and youth can live with their families
19 2 and remain in their communities. The children's system is
19 3 also intended to meet the needs of children and youth who
19 4 have mental health disorders that co-occur with substance
19 5 abuse, mental retardation, developmental disabilities, or
19 6 other disabilities. The children's system shall emphasize
19 7 community-level collaborative efforts between children and
19 8 youth and the families and the state's systems of education,
19 9 child welfare, juvenile justice, health care, substance abuse,
19 10 and mental health.

19 11 Sec. 22. REPEAL. Section 225C.27, Code 2009, is repealed.

19 12 DIVISION III

19 13 COMMISSION AND WAIVER NAME CHANGE

19 14 Sec. 23. Section 225C.2, subsection 3, Code 2009, is amended
19 15 to read as follows:

19 16 3. "Commission" means the mental health, ~~mental retardation,~~
~~19 17 developmental disabilities, and brain injury and disability~~
19 18 services commission.

19 19 Sec. 24. Section 225C.5, subsection 1, unnumbered paragraph
19 20 1, Code Supplement 2009, is amended to read as follows:

19 21 A mental health, ~~mental retardation, developmental~~
~~19 22 disabilities, and brain injury and disability~~
19 23 services commission is created as the state policy-making body
19 24 for the provision of services to persons with mental illness,
19 25 mental retardation or other developmental disabilities,
19 26 or brain injury. The commission's voting members shall
19 27 be appointed to three-year staggered terms by the governor
19 28 and are subject to confirmation by the senate. Commission
19 29 members shall be appointed on the basis of interest and
19 30 experience in the fields of mental health, mental retardation
19 31 or other developmental disabilities, and brain injury, in a
19 32 manner so as to ensure adequate representation from persons
19 33 with disabilities and individuals knowledgeable concerning
19 34 disability services. The department shall provide staff
19 35 support to the commission, and the commission may utilize staff



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20 1 support and other assistance provided to the commission by
20 2 other persons. The commission shall meet at least four times
20 3 per year. The membership of the commission shall consist of
20 4 the following persons who, at the time of appointment to the
20 5 commission, are active members of the indicated groups:

20 6 Sec. 25. Section 249A.12, subsection 4, paragraph b, Code
20 7 2009, is amended to read as follows:

20 8 b. ~~Effective July 1, 1995, the~~ The state shall be
20 9 responsible for all of the nonfederal share of medical
20 10 assistance home and community-based services waivers
20 11 for persons with ~~mental retardation~~ intellectual
20 12 disabilities services provided to minors and a county is not
20 13 required to reimburse the department and shall not be billed
20 14 for the nonfederal share of the costs of the services.

20 15 Sec. 26. Section 249A.12, subsection 5, paragraph a,
20 16 unnumbered paragraph 1, Code 2009, is amended to read as
20 17 follows:

20 18 The mental health, ~~mental retardation, developmental~~
~~20 19 disabilities, and brain injury and disability~~
20 20 services commission shall recommend to the department
20 21 the actions necessary to assist in the transition of
20 22 individuals being served in an intermediate care facility for
20 23 persons with mental retardation, who are appropriate for the
20 24 transition, to services funded under a medical assistance
20 25 home and community-based services waiver for persons with
20 26 ~~mental retardation~~ intellectual disabilities in a manner which
20 27 maximizes the use of existing public and private facilities.
20 28 The actions may include but are not limited to submitting any
20 29 of the following or a combination of any of the following
20 30 as a request for a revision of the medical assistance home
20 31 and community-based services waiver for persons with ~~mental~~
~~20 32 retardation in effect as of June 30, 1996~~ intellectual
20 33 disabilities:

20 34 Sec. 27. Section 249A.12, subsection 5, paragraph a,
20 35 subparagraph (1), Code 2009, is amended to read as follows:



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21 1 (1) Allow for the transition of intermediate care
21 2 facilities for persons with mental retardation licensed under
21 3 chapter 135C ~~as of June 30, 1996~~, to services funded under the
21 4 medical assistance home and community-based services waiver for
21 5 persons with ~~mental retardation~~ intellectual disabilities. The
21 6 request shall be for inclusion of additional persons under the
21 7 waiver associated with the transition.

21 8 Sec. 28. Section 249A.12, subsection 6, paragraphs a and b,
21 9 Code 2009, are amended to read as follows:

21 10 a. ~~Effective July 1, 2003, the~~ The provisions of the
21 11 home and community-based services waiver for persons with
21 12 ~~mental retardation~~ intellectual disabilities shall include
21 13 adult day care, prevocational, and transportation services.
21 14 Transportation shall be included as a separately payable
21 15 service.

21 16 b. The department of human services shall seek federal
21 17 approval to amend the home and community-based services
21 18 waiver for persons with ~~mental retardation~~ intellectual
21 19 disabilities to include day habilitation services. Inclusion
21 20 of day habilitation services in the waiver shall take effect
21 21 upon receipt of federal approval ~~and no later than July 1,~~
21 22 ~~2004.~~

21 23 Sec. 29. Section 423.3, subsection 18, paragraph f,
21 24 subparagraph (6), Code Supplement 2009, is amended to read as
21 25 follows:

21 26 (6) ~~MR~~ Intellectual disabilities waiver service providers,
21 27 described in 441 IAC 77.37.

21 28 Sec. 30. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
21 29 DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES ==
21 30 CODE EDITOR'S DIRECTIVE.

21 31 1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438,
21 32 and 426B.4, Code 2009, and sections 249A.4, 249A.31, and
21 33 426B.5, Code Supplement 2009, are amended by striking the term
21 34 "mental health, mental retardation, developmental disabilities,
21 35 and brain injury commission" and inserting in lieu thereof the



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22 1 term "mental health and disability services commission".
22 2 2. This division of this Act changes the name of the mental
22 3 health, mental retardation, developmental disabilities, and
22 4 brain injury commission to the mental health and disability
22 5 services commission. The Code editor shall correct any
22 6 references to the term "mental health, mental retardation,
22 7 developmental disabilities, and brain injury commission"
22 8 anywhere else in the Iowa Code or Iowa Code Supplement, in any
22 9 bills awaiting codification, in this Act, and in any bills
22 10 enacted by the Eighty-third General Assembly, 2010 Regular
22 11 Session, or any extraordinary session.

22 12 Sec. 31. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR
22 13 PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES == CODE
22 14 EDITOR'S DIRECTIVE.

22 15 1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009,
22 16 are amended by striking the term "waiver for persons with
22 17 mental retardation" and inserting in lieu thereof the term
22 18 "waiver for persons with intellectual disabilities".

22 19 2. This division of this Act changes the name of the home
22 20 and community-based services waiver for persons with mental
22 21 retardation under the medical assistance program to the waiver
22 22 for persons with intellectual disabilities. The Code editor
22 23 shall correct any references to the term "waiver for persons
22 24 with mental retardation" or other forms of the term anywhere
22 25 else in the Iowa Code or Iowa Code Supplement, in any bills
22 26 awaiting codification, in this Act, and in any bills enacted by
22 27 the Eighty-third General Assembly, 2010 Regular Session, or any
22 28 extraordinary session.

22 29 EXPLANATION

22 30 This bill revises the duties of the mental health, mental
22 31 retardation, developmental disabilities, and brain injury
22 32 commission and related provisions. The bill is organized into
22 33 divisions.

22 34 GENERAL AMENDMENTS. This division provides general
22 35 amendments associated with the commission in Code chapters



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23 1 other than Code chapter 225C.
23 2 Code section 135C.23, relating to requirements for admission
23 3 to a health care facility (defined to include residential care
23 4 facilities, nursing facilities, intermediate care facilities
23 5 for persons with mental illness, and intermediate care
23 6 facilities for persons with mental retardation), is amended to
23 7 eliminate a requirement for the department of inspections and
23 8 appeals to coordinate with the commission in the adoption of
23 9 rules. The affected rules require programs for health care
23 10 facilities that admit patients or have residents with a history
23 11 of dangerous or disturbing behavior.
23 12 Code section 229.24, relating to the confidentiality
23 13 requirements for involuntary hospitalization proceedings,
23 14 is amended to eliminate the use of a form prescribed by the
23 15 commission when the clerk of court provides information to
23 16 counties concerning the commitment of an individual when the
23 17 costs of the individual's care are chargeable to a county.
23 18 Code section 230A.2, relating to the services offered by
23 19 a community mental health center, is amended to eliminate a
23 20 reference to the commission in defining services included in
23 21 the comprehensive mental health and developmental disability
23 22 services plan addressed by the bill in Code section 225C.6B.
23 23 Code section 230A.15, relating to requirements for a
23 24 comprehensive community mental health program, is amended to
23 25 include a reference to the comprehensive plan addressed by the
23 26 bill.
23 27 Code section 331.424A, establishing the county mental
23 28 health, mental retardation, and developmental disabilities
23 29 (MH/MR/DD) services funds, is amended to provide for adoption
23 30 of rules by the commission and issuance of forms by the county
23 31 finance committee in accordance with those rules. The forms
23 32 are to allow for reporting of services for persons with brain
23 33 injury and other optional services funded through a services
23 34 fund.
23 35 Code section 331.438, relating to county MH/MR/DD services



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24 1 expenditures and the county and state planning associated with
24 2 the expenditures, is amended to strike a reference to the
24 3 expenditure reporting forms. In addition, the bill reduces the
24 4 number of duties for the commission enumerated in that section
24 5 from 16 to six.

24 6 Code section 331.439, relating to county eligibility
24 7 for state property tax relief and allowed growth funding in
24 8 connection with MH/MR/DD services, is amended to address
24 9 several issues. A requirement that the director of human
24 10 services consult with the commission when the director
24 11 determines various qualifications are met by counties is
24 12 eliminated. A reference to forms in a reporting requirement
24 13 is eliminated. Terminology references to county services
24 14 are revised to incorporate the term "services system". A
24 15 limitation in current law authorizing county services to be
24 16 contracted out to a managed care contractor is replaced with
24 17 authority to contract with any state-approved private entity.
24 18 Certain costs are made optional instead of being required to
24 19 be addressed by the allowed growth adjustment factor annually
24 20 recommended by the commission to the governor.

24 21 CODE CHAPTER 225C AMENDMENTS. This division amends Code
24 22 chapter 225C, relating to the services and other support
24 23 available to a person with mental illness, mental retardation,
24 24 developmental disabilities, or brain injury (MI/MR/DD/BI),
24 25 defined by the Code chapter as "disability services".

24 26 Code section 225C.4, relating the duties of the
24 27 administrator of the division of mental health and
24 28 disability services, is amended to include a reference to the
24 29 comprehensive plan addressed by the bill.

24 30 Code section 225C.6, relating to the duties of the
24 31 commission, is amended to reorganize the list of duties. In
24 32 addition, the bill shifts responsibility from the commission to
24 33 the department of human services' mental health and disability
24 34 services administrator for determining whether to grant, deny,
24 35 or revoke service provider accreditations. The commission



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25 1 retains responsibility for adopting the standards used. An
25 2 existing requirement for the commission to coordinate with
25 3 other bodies is expanded to include the mental health planning
25 4 council and other state agencies generally.
25 5 Code section 225C.6A, relating to a service system redesign
25 6 the commission worked on in fiscal years 2004=2005 and
25 7 2005=2006, is amended to eliminate obsolete language and to
25 8 make various planning responsibilities permanent. Pursuant to
25 9 Code section 225C.6B, as amended in the bill, the commission is
25 10 required to develop a comprehensive five-year plan for mental
25 11 health and all disability services. The plan is to be revised
25 12 every five years and updated annually.
25 13 Code section 225C.21, relating to supported community
25 14 services, is amended to shift the provider accreditation
25 15 determination responsibility from the commission to the
25 16 department's division administrator.
25 17 Code section 225C.52, relating to the mental health services
25 18 system for children, is amended to include a reference to the
25 19 comprehensive plan responsibility included in the bill.
25 20 The bill repeals Code section 225C.27, the purpose section
25 21 of the bill of rights and service quality standards of
25 22 persons with mental retardation, developmental disabilities,
25 23 brain injury, or chronic mental illness. The Code section
25 24 requires the commission to adopt rules to promote and encourage
25 25 fulfillment of the individual due process and participation
25 26 in planning rights provisions of the bill of rights in Code
25 27 section 225C.28B.
25 28 COMMISSION AND WAIVER NAME CHANGE. This division
25 29 changes the name of the mental health, mental retardation,
25 30 developmental disabilities, and brain injury commission to the
25 31 mental health and disability services commission and the name
25 32 of the home and community-based services waiver for persons
25 33 with mental retardation under the medical assistance program to
25 34 the waiver for persons with intellectual disabilities. Various
25 35 specific Code provisions are addressed and the Code editor is



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26 1 authorized to make these changes in other provisions.
LSB 5356XD (10) 83
jp/nh



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SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act relating to the IowaCare program, and providing for
2 repeals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 DIVISION I
 1 2 IOWACARE PROGRAM UPDATE
 1 3 Section 1. Section 249J.5, subsections 1, 2, 7, 8, and 9,
 1 4 Code 2009, are amended to read as follows:
 1 5 1. Except as otherwise provided in this chapter, an
 1 6 individual nineteen through sixty-four years of age shall
 1 7 be eligible solely for the expansion population benefits
 1 8 described in this chapter when provided through the expansion
 1 9 population provider network as described in this chapter, if
 1 10 the individual meets all of the following conditions:
 1 11 a. The individual is not eligible for coverage under the
 1 12 medical assistance program ~~in effect on or after April 1, 2005.~~
 1 13 b. The individual has a family income at or below two
 1 14 hundred percent of the federal poverty level as defined by the
 1 15 most recently revised poverty income guidelines published by
 1 16 the United States department of health and human services.
 1 17 c. The individual fulfills all other conditions of
 1 18 participation for the expansion population described in this
 1 19 chapter, including requirements relating to personal financial
 1 20 responsibility.
 1 21 2. Individuals otherwise eligible solely for family
 1 22 planning benefits authorized under the medical assistance
 1 23 family planning services waiver, ~~effective January 1, 2005,~~
~~1 24 as described in 2004 Iowa Acts, chapter 1175, section 116,~~
~~1 25 subsection 8,~~ may also be eligible for expansion population
 1 26 benefits provided through the expansion population provider
 1 27 network.
 1 28 ~~7. The department shall contract with the county general~~
~~1 29 assistance directors to perform intake functions for the~~
~~1 30 expansion population, but only at the discretion of the~~
~~1 31 individual county general assistance director.~~
 1 32 ~~8.~~ 7. If the department provides intake services at the
 1 33 location of a provider included in the expansion population
 1 34 provider network, the department shall consider subcontracting
 1 35 with local nonprofit agencies to promote greater understanding



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2 1 between providers, under the medical assistance program and
2 2 included in the expansion population provider network, and
2 3 their recipients and members.
2 4 ~~9.~~ 8. Following initial enrollment, an expansion
2 5 population member shall reenroll annually by the last day of
2 6 the month preceding the month in which the expansion population
2 7 member initially enrolled. The department may provide a
2 8 process for automatic reenrollment of expansion population
2 9 members.

2 10 Sec. 2. Section 249J.6, subsection 1, unnumbered paragraph
2 11 1, Code 2009, is amended to read as follows:

2 12 ~~Beginning July 1, 2005, the~~ The expansion population shall
2 13 be eligible for all of the following expansion population
2 14 services:

2 15 Sec. 3. Section 249J.6, subsection 2, Code 2009, is amended
2 16 to read as follows:

2 17 2. a. Each expansion population member ~~who enrolls~~
~~or reenrolls in the expansion population on or after~~
~~January 31, 2007,~~ shall ~~participate, in conjunction with~~
~~receiving~~ receive a single comprehensive medical examination
2 21 and completing a personal health improvement plan, in a
~~health risk assessment coordinated by a health consortium~~
~~representing providers, consumers, and medical education~~
~~institutions~~ annually. The ~~criteria for the~~ department may
2 25 implement a web-based health risk assessment, ~~the comprehensive~~
~~medical examination, and the personal health improvement plan~~
~~shall be developed and applied in a manner that takes into~~
2 28 ~~consideration cultural variations that may exist within the~~
~~expansion population for expansion population members that~~
2 30 may include facilitation, if deemed to be cost-effective to
2 31 the program. ~~The health risk assessment shall utilize a~~
2 32 ~~gender-specific approach. In developing the queries unique to~~
2 33 ~~women, a clinical advisory team shall be utilized that includes~~
2 34 ~~women's health professionals including but not limited to those~~
2 35 ~~with specialties in obstetrics and gynecology, endocrinology,~~



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~~3 1 mental health, behavioral health, oncology, cardiology, and~~
~~3 2 rheumatology.~~
3 3 b. The health risk assessment shall be a web-based
~~3 4 electronic system capable of capturing and integrating basic~~
~~3 5 data to provide an individualized personal health improvement~~
~~3 6 plan for each expansion population member. The health risk~~
~~3 7 assessment shall provide a preliminary diagnosis of current and~~
~~3 8 prospective health conditions and recommendations for improving~~
~~3 9 health conditions with an individualized wellness program. The~~
~~3 10 health risk assessment shall be made available to the expansion~~
~~3 11 population member and the provider specified in paragraph~~
~~3 12 "c" who performs the comprehensive medical examination and~~
~~3 13 provides the individualized personal health improvement plan.~~
3 14 e. The single comprehensive medical examination and
~~3 15 personal health improvement plan may be provided by an~~
~~3 16 expansion population provider network physician, advanced~~
~~3 17 registered nurse practitioner, or physician assistant or any~~
~~3 18 other physician, advanced registered nurse practitioner, or~~
~~3 19 physician assistant, available to any full benefit recipient~~
~~3 20 including but not limited to such providers available through~~
~~3 21 a free clinic or rural health clinic under a contract with~~
~~3 22 the department to provide these services, through federally~~
~~3 23 qualified health centers that employ a physician, or through~~
~~3 24 any other nonprofit agency qualified or deemed to be qualified~~
~~3 25 by the department to perform these services.~~
3 26 d. Following completion of an initial health risk
~~3 27 assessment, comprehensive medical examination, and personal~~
~~3 28 health improvement plan, an expansion population member may~~
~~3 29 complete subsequent assessments, examinations, or plans with~~
~~3 30 the recommendation and approval of a provider specified in~~
~~3 31 paragraph "c".~~
3 32 e. b. Refusal of an expansion population member to
3 33 participate in a health risk assessment, comprehensive medical
3 34 examination, or personal health improvement plan or any health
3 35 risk assessment implemented by the department, shall not be a



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4 1 basis for ineligibility for or disenrollment from the expansion
4 2 population.

4 3 Sec. 4. Section 249J.6, subsection 3, Code 2009, is amended
4 4 to read as follows:

4 5 3. ~~Beginning no later than July 1, 2006, expansion~~
4 6 Expansion population members shall be provided ~~all of the~~
4 7 ~~following:~~

4 8 ~~a. Access to a pharmacy assistance clearinghouse program~~
4 9 ~~to match expansion population members with free or discounted~~
4 10 ~~prescription drug programs provided by the pharmaceutical~~
4 11 ~~industry.~~

4 12 b. Access access to a medical information hotline,
4 13 accessible twenty-four hours per day, seven days per week,
4 14 to assist expansion population members in making appropriate
4 15 choices about the use of emergency room and other health care
4 16 services.

4 17 Sec. 5. Section 249J.7, subsection 1, Code 2009, is amended
4 18 to read as follows:

4 19 1. Expansion population members shall only be eligible
4 20 to receive expansion population services through a provider
4 21 included in the expansion population provider network. Except
4 22 as otherwise provided in this chapter, the expansion population
4 23 provider network shall be limited to a publicly owned acute
4 24 care teaching hospital located in a county with a population
4 25 over three hundred fifty thousand, and the university of Iowa
4 26 hospitals and clinics, ~~and the state hospitals for persons with~~
4 27 ~~mental illness designated pursuant to section 226.1 with the~~
4 28 ~~exception of the programs at such state hospitals for persons~~
4 29 ~~with mental illness that provide substance abuse treatment,~~
4 30 ~~serve geropsychiatric patients, or treat sexually violent~~
4 31 ~~predators.~~

4 32 Sec. 6. Section 249J.8, Code 2009, is amended to read as
4 33 follows:

4 34 249J.8 Expansion population members == financial
4 35 participation.



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5 1 1. Each expansion population member whose family income
5 2 exceeds one hundred percent of the federal poverty level as
5 3 defined by the most recently revised poverty income guidelines
5 4 published by the United States department of health and human
5 5 services shall pay a monthly premium not to exceed one-twelfth
5 6 of five percent of the member's annual family income. Each
5 7 expansion population member whose family income is equal to or
5 8 less than one hundred percent of the federal poverty level as
5 9 defined by the most recently revised poverty income guidelines
5 10 published by the United States department of health and human
5 11 services shall not be subject to payment of a monthly premium.
5 12 All premiums shall be paid ~~on the last day~~ prior to the first
5 13 day of the month of coverage. The department shall deduct the
5 14 amount of any monthly premiums paid by an expansion population
5 15 member for benefits under the healthy and well kids in Iowa
5 16 program when computing the amount of monthly premiums owed
5 17 under this subsection. An expansion population member shall
5 18 ~~pay~~ respond to the monthly premium notices either through
5 19 timely payment or a request for a hardship exemption during the
5 20 entire period of the member's enrollment. Regardless of the
5 21 length of enrollment, the member is subject to payment of the
5 22 premium for a minimum of four consecutive months. However, an
5 23 expansion population member who complies with the requirement
5 24 of payment of the premium for a minimum of four consecutive
5 25 months during a consecutive twelve-month period of enrollment
5 26 shall be deemed to have complied with this requirement for
5 27 the subsequent consecutive twelve-month period of enrollment
5 28 and shall only be subject to payment of the monthly premium
5 29 on a month-by-month basis. Timely payment of premiums,
5 30 including any arrearages accrued from prior enrollment, is
5 31 a condition of receiving any expansion population services.
5 32 The payment to and acceptance by an automated case management
5 33 system or the department of the premium required under this
5 34 subsection shall not automatically confer initial or continuing
5 35 program eligibility on an individual. A premium paid to and



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6 1 accepted by the department's premium payment process that is
6 2 subsequently determined to be untimely or to have been paid
6 3 on behalf of an individual ineligible for the program shall
6 4 be refunded to the remitter in accordance with rules adopted
6 5 by the department. Premiums collected under this subsection
6 6 shall be deposited in the premiums subaccount of the account
6 7 for health care transformation created pursuant to section
6 8 249J.23. An expansion population member shall also pay the
6 9 same copayments required of other adult recipients of medical
6 10 assistance.

6 11 2. The department may reduce the required out-of-pocket
6 12 expenditures for an individual expansion population member
6 13 based upon the member's increased wellness activities such
6 14 as smoking cessation or compliance with the personal health
6 15 improvement plan completed by the member. The department shall
6 16 also waive the required out-of-pocket expenditures for an
6 17 individual expansion population member based upon a hardship
6 18 that would accrue from imposing such required expenditures.
6 19 Information regarding the premium payment obligation and
6 20 the hardship exemption, including the process by which a
6 21 prospective enrollee may apply for the hardship exemption,
6 22 shall be provided to a prospective enrollee at the time of
6 23 application. The prospective enrollee shall acknowledge, in
6 24 writing, receipt and understanding of the information provided.

~~6 25 3. The department shall submit to the governor and the
6 26 general assembly by March 15, 2006, a design for each of the
6 27 following:~~

~~6 28 a. An insurance cost subsidy program for expansion
6 29 population members who have access to employer health insurance
6 30 plans, provided that the design shall require that no less than
6 31 fifty percent of the cost of such insurance shall be paid by
6 32 the employer.~~

~~6 33 b. A health care account program option for individuals
6 34 eligible for enrollment in the expansion population. The
6 35 health care account program option shall be available only~~



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~~7 1 to adults who have been enrolled in the expansion population
7 2 for at least twelve consecutive calendar months. Under the
7 3 health care account program option, the individual would
7 4 agree to exchange one year's receipt of benefits under the
7 5 expansion population, to which the individual would otherwise
7 6 be entitled, for a credit to obtain any medical assistance
7 7 program covered service up to a specified amount. The balance
7 8 in the health care account at the end of the year, if any, would
7 9 be available for withdrawal by the individual.~~

7 10 4. 3. The department shall track ~~the impact of~~
~~7 11 the out-of-pocket expenditures on~~ by expansion population
7 12 enrollment members and shall report the findings data on
7 13 at least a quarterly basis to the medical assistance
~~7 14 projections and assessment council established pursuant~~
~~7 15 to section 249J.20 the department's internet website. The~~
7 16 findings report shall include estimates of the number of
7 17 expansion population members complying and not complying with
7 18 payment of required out-of-pocket expenditures, ~~the number~~
~~7 19 of expansion population members not complying with payment~~
~~7 20 of required out-of-pocket expenditures and the reasons for~~
~~7 21 noncompliance, any impact as a result of the out-of-pocket~~
~~7 22 requirements on the provision of services to the populations~~
~~7 23 previously served, the administrative time and cost associated~~
~~7 24 with administering the out-of-pocket requirements, and~~
~~7 25 the benefit to the state resulting from the out-of-pocket~~
~~7 26 expenditures.~~ To the extent possible, the department shall
7 27 track the income level of the member, the health condition of
7 28 the member, and the family status of the member relative to the
7 29 out-of-pocket information.

7 30 Sec. 7. Section 249J.9, Code 2009, is amended to read as
7 31 follows:

7 32 249J.9 Future ~~expansion population,~~ benefits, and provider
7 33 network growth.

7 34 1. Population. ~~The department shall contract with the~~
~~7 35 division of insurance of the department of commerce or another~~



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~~8 1 appropriate entity to track, on an annual basis, the number of
8 2 uninsured and underinsured Iowans, the cost of private market
8 3 insurance coverage, and other barriers to access to private
8 4 insurance for Iowans. Based on these findings and available
8 5 funds, the department shall make recommendations, annually,
8 6 to the governor and the general assembly regarding further
8 7 expansion of the expansion population.~~

8 8 ~~2.~~ 1. Benefits.

8 9 a. The department shall not provide services to expansion
8 10 population members that are in addition to the services
8 11 originally designated by the department pursuant to section
8 12 249J.6, without express authorization provided by the general
8 13 assembly.

8 14 b. The department, upon the recommendation of the clinicians
8 15 advisory panel established pursuant to section 249J.18, may
8 16 change the scope and duration of any of the available expansion
8 17 population services, but this subsection shall not be construed
8 18 to authorize the department to make expenditures in excess
8 19 of the amount appropriated for benefits for the expansion
8 20 population.

8 21 ~~3.~~ 2. Expansion population provider network.

8 22 a. The department shall not expand the expansion population
8 23 provider network unless the department is able to pay for
8 24 expansion population services provided by such providers at the
8 25 full benefit recipient rates.

8 26 b. The department may limit access to the expansion
8 27 population provider network by the expansion population to the
8 28 extent the department deems necessary to meet the financial
8 29 obligations to each provider under the expansion population
8 30 provider network. This subsection shall not be construed to
8 31 authorize the department to make any expenditure in excess
8 32 of the amount appropriated for benefits for the expansion
8 33 population.

8 34 Sec. 8. Section 249J.10, subsection 2, Code 2009, is amended
8 35 to read as follows:



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9 1 2. The department ~~of human services shall~~ may include in
9 2 its annual budget submission, recommendations relating to a
9 3 disproportionate share hospital and graduate medical education
9 4 allocation plan that maximizes the availability of federal
9 5 funds for payments to hospitals for the care and treatment of
9 6 indigent patients.

9 7 Sec. 9. Section 249J.11, Code 2009, is amended to read as
9 8 follows:

9 9 249J.11 Nursing facility level of care determination for
9 10 facility-based and community-based services.

9 11 The department shall amend the medical assistance state plan
9 12 to provide for all of the following:

9 13 1. That nursing facility level of care services under the
9 14 medical assistance program shall be available to an individual
9 15 admitted to a nursing facility ~~on or after July 1, 2005~~, who
9 16 meets eligibility criteria for the medical assistance program
9 17 pursuant to section 249A.3, if the individual also meets any of
9 18 the following criteria:

9 19 a. Based upon the minimum data set, the individual requires
9 20 limited assistance, extensive assistance, or has total
9 21 dependence on assistance, provided by the physical assistance
9 22 of one or more persons, with three or more activities of daily
9 23 living as defined by the minimum data set, section G, entitled
9 24 "physical functioning and structural problems".

9 25 b. Based on the minimum data set, the individual requires
9 26 the establishment of a safe, secure environment due to moderate
9 27 or severe impairment of cognitive skills for daily decision
9 28 making.

9 29 c. The individual has established a dependency requiring
9 30 residency in a medical institution for more than one year.

9 31 2. That ~~an individual admitted to a nursing facility~~
~~9 32 prior to July 1, 2005, and an individual applying for home~~
9 33 and community-based services waiver services at the nursing
9 34 facility level of care ~~on or after July 1, 2005~~, who meets
9 35 the eligibility criteria for the medical assistance program



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10 1 pursuant to section 249A.3, shall also meet any of the
10 2 following criteria:
10 3 a. Based on the minimum data set, the individual requires
10 4 supervision, or limited assistance, provided on a daily basis
10 5 by the physical assistance of at least one person, for dressing
10 6 and personal hygiene activities of daily living as defined by
10 7 the minimum data set, section G, entitled "physical functioning
10 8 and structural problems".
10 9 b. Based on the minimum data set, the individual requires
10 10 the establishment of a safe, secure environment due to modified
10 11 independence or moderate impairment of cognitive skills for
10 12 daily decision making.
10 13 3. That, ~~beginning July 1, 2005,~~ if nursing facility
10 14 level of care is determined to be medically necessary for an
10 15 individual and the individual meets the nursing facility level
10 16 of care requirements for home and community-based services
10 17 waiver services under subsection 2, but appropriate home and
10 18 community-based services are not available to the individual in
10 19 the individual's community at the time of the determination or
10 20 the provision of available home and community-based services
10 21 to meet the skilled care requirements of the individual is not
10 22 cost-effective, the criteria for admission of the individual to
10 23 a nursing facility for nursing facility level of care services
10 24 shall be the criteria in effect on June 30, ~~2005~~ 2010. The
10 25 department of human services shall establish the standard for
10 26 determining cost-effectiveness of home and community-based
10 27 services under this subsection.
10 28 4. The department shall develop a process to allow
10 29 individuals identified under subsection 3 to be served under
10 30 the home and community-based services waiver at such time as
10 31 appropriate home and community-based services become available
10 32 in the individual's community.
10 33 Sec. 10. Section 249J.13, Code 2009, is amended to read as
10 34 follows:
10 35 249J.13 Children's mental health waiver services.



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11 1 The department shall provide medical assistance waiver
11 2 services to ~~not more than three hundred~~ children who meet
11 3 the eligibility criteria for the medical assistance program
11 4 pursuant to section 249A.3, and also meet the criteria
11 5 specified in section 234.7, subsection 2.
11 6 Sec. 11. Section 249J.14, Code 2009, is amended to read as
11 7 follows:
11 8 249J.14 Health promotion partnerships.
11 9 ~~1. Services for adults at state mental health~~
~~11 10 institutes. Beginning July 1, 2005, inpatient and outpatient~~
~~11 11 hospital services at the state hospitals for persons with~~
~~11 12 mental illness designated pursuant to section 226.1 shall be~~
~~11 13 covered services under the medical assistance program.~~
11 14 2. 1. Dietary counseling. By July 1, 2006 If a
11 15 cost-effective strategy with a measurable return on investment
11 16 or an impact on health care outcomes is identified, the
11 17 department shall may design and begin implementation
~~11 18 of implement a strategy to provide dietary counseling and~~
11 19 support to child and adult recipients of medical assistance and
11 20 to expansion population members to assist these recipients and
11 21 members in avoiding excessive weight gain or loss and to assist
11 22 in development of personal weight loss programs for recipients
11 23 and members determined by the recipient's or member's health
11 24 care provider to be clinically overweight.
11 25 3. 2. Electronic medical records Medical assistance
11 26 health information technology program. By October 1, 2006,
~~11 27 the The department shall develop a practical strategy for~~
~~11 28 expanding utilization of electronic medical recordkeeping~~
~~11 29 by providers under the medical assistance program and the~~
~~11 30 expansion population provider network. The plan shall~~
~~11 31 focus, initially, on medical assistance program recipients~~
~~11 32 and expansion population members whose quality of care would~~
~~11 33 be significantly enhanced by the availability of medical~~
11 34 assistance health information technology program for promoting
11 35 the adoption and meaningful use of electronic medical



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12 1 recordkeeping by providers under the medical assistance program
12 2 and the Iowa Medicaid enterprise pursuant to the federal
12 3 American Recovery and Reinvestment Act of 2009, Pub.L. No.
12 4 111=5. The department shall do all of the following:
12 5 a. Design and implement a program for distribution
12 6 and monitoring of provider incentive payments, including
12 7 development of a definition of "meaningful use" for purposes
12 8 of promoting the use of electronic medical recordkeeping by
12 9 providers. The department shall develop this program in
12 10 collaboration with the department of public health and the
12 11 electronic health information advisory council and executive
12 12 committee created pursuant to section 135.156.
12 13 b. Develop the medical assistance health information
12 14 technology plan as required by the centers for Medicare and
12 15 Medicaid services of the United States department of health and
12 16 human services. The plan shall provide detailed implementation
12 17 plans for the medical assistance program for promotion of the
12 18 adoption and meaningful use of health information technology by
12 19 medical assistance providers and the Iowa Medicaid enterprise.
12 20 The plan shall include the integration of health information
12 21 technology and health information exchange with the medical
12 22 assistance management information system. The plan shall be
12 23 developed in collaboration with the department of public health
12 24 and the electronic health information advisory council and
12 25 executive committee created pursuant to section 135.156.
12 26 ~~4. 3. Provider incentive payment programs. By January 1,~~
~~12 27 2007 If a cost-effective strategy with a measurable return on~~
12 28 investment or an impact on health care outcomes is identified,
12 29 the department shall may design and implement a provider
12 30 incentive payment program for providers under the medical
12 31 assistance program and providers included in the expansion
12 32 population provider network based upon evaluation of public and
~~12 33 private sector models.~~
12 34 ~~5. Health assessment for medical assistance recipients~~
~~12 35 with mental retardation or developmental disabilities. The~~



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~~13 1 department shall work with the university of Iowa colleges of
13 2 medicine, dentistry, nursing, pharmacy, and public health,
13 3 and the university of Iowa hospitals and clinics to determine
13 4 whether the physical and dental health of recipients of
13 5 medical assistance who are persons with mental retardation
13 6 or developmental disabilities are being regularly and
13 7 fully addressed and to identify barriers to such care. The
13 8 department shall report the department's findings to the
13 9 governor and the general assembly by January 1, 2007.~~

13 10 ~~6.~~ 4. Smoking cessation. The department, in collaboration
13 11 with Iowa department of public health programs relating to
13 12 tobacco use prevention and cessation, shall implement a program
13 13 with the goal of reducing smoking among recipients of medical
13 14 assistance who are children to less than one percent and among
13 15 recipients of medical assistance and expansion population
13 16 members who are adults to less than ten percent, by July 1,
~~13 17 2007.~~

13 18 ~~7.~~ 5. Dental home for children. The department shall
13 19 enter into an interagency agreement with the department of
13 20 public health for infrastructure development and oral health
13 21 coordination services for recipients of medical assistance
13 22 to increase access to dental care for medical assistance
13 23 recipients. By December 31, ~~2010~~ 2011, every recipient of
13 24 medical assistance who is a child twelve years of age or
13 25 younger shall have a designated dental home and shall be
13 26 provided with the dental screenings, preventive services,
13 27 diagnostic services, treatment services, and emergency services
13 28 as defined under the early and periodic screening, diagnostic,
13 29 and treatment program.

13 30 ~~8.~~ 6. Reports. The department shall issue a report on
13 31 the department's internet website on a quarterly basis to
~~13 32 the medical assistance projections and assessment council~~
~~13 33 established pursuant to section 249J.20 and the medical~~
~~13 34 assistance advisory council created pursuant to section~~
~~13 35 249A.4B,~~ regarding the any changes or updates to the health



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14 1 promotion partnerships described in this section. To the
14 2 greatest extent feasible, and if applicable to a data set,
14 3 the data reported shall include demographic information
14 4 concerning the population served including but not limited to
14 5 ~~factors, such as race and~~ economic status, as specified by the
14 6 department.

14 7 Sec. 12. Section 249J.16, Code 2009, is amended to read as
14 8 follows:

14 9 249J.16 Cost and quality performance evaluation.

14 10 ~~Beginning July 1, 2005, the~~ The department shall ~~contract~~
14 11 ~~with an independent consulting firm to do all of the following:~~

14 12 1. Annually Prior to initiating reprocurement of Iowa
14 13 Medicaid enterprise contracts, evaluate and compare the cost
14 14 and quality of care provided by the medical assistance program
14 15 and through the expansion population with the cost and quality
14 16 of care available through private insurance and managed care
14 17 organizations doing business in the state.

14 18 2. Annually evaluate the improvements by the medical
14 19 assistance program and the expansion population in the cost
14 20 and quality of services provided to Iowans over the cost and
14 21 quality of care provided in the prior year.

14 22 Sec. 13. Section 249J.17, Code 2009, is amended to read as
14 23 follows:

14 24 249J.17 Operations == performance evaluation.

14 25 ~~Beginning July 1, 2006, the~~ The department shall
14 26 ~~submit~~ publish on its internet website a report of the ~~results~~
14 27 ~~of an evaluation of the performance of each component of the~~
14 28 Iowa Medicaid enterprise using the performance standards
14 29 contained in the contracts with the Iowa Medicaid enterprise
14 30 partners.

14 31 Sec. 14. Section 249J.18, Code 2009, is amended to read as
14 32 follows:

14 33 249J.18 Clinicians advisory panel == clinical management.

14 34 1. ~~Beginning July 1, 2005, the~~ The medical director
14 35 of the Iowa Medicaid enterprise, with the approval of the



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15 1 administrator of the division of medical services of the
15 2 department, shall assemble and act as chairperson for a
15 3 clinicians advisory panel to recommend to the department
15 4 clinically appropriate health care utilization management and
15 5 coverage decisions for the medical assistance program and the
15 6 expansion population which are not otherwise addressed by the
15 7 Iowa medical assistance drug utilization review commission
15 8 created pursuant to section 249A.24 or the medical assistance
15 9 pharmaceutical and therapeutics committee established pursuant
15 10 to section 249A.20A. The meetings shall be conducted in
15 11 accordance with chapter 21 and shall be open to the public
15 12 except to the extent necessary to prevent the disclosure of
15 13 confidential medical information.

~~15 14 2. The medical director of the Iowa Medicaid enterprise
15 15 shall report on a quarterly basis to the medical assistance
15 16 projections and assessment council established pursuant to
15 17 section 249J.20 and the medical assistance advisory council
15 18 created pursuant to section 249A.4B, any recommendations made
15 19 by the panel and adopted by rule of the department pursuant
15 20 to chapter 17A regarding clinically appropriate health
15 21 care utilization management and coverage under the medical
15 22 assistance program and the expansion population.~~

15 23 3. 2. The medical director of the Iowa Medicaid enterprise
15 24 shall prepare an annual report summarizing the recommendations
15 25 made by the panel and adopted by rule of the department
15 26 regarding clinically appropriate health care utilization
15 27 management and coverage under the medical assistance program
15 28 and the expansion population.

15 29 Sec. 15. Section 249J.19, Code 2009, is amended to read as
15 30 follows:

15 31 249J.19 Health care services pricing and reimbursement of
15 32 providers.

15 33 The department ~~shall~~ may annually collect data on
15 34 third-party payor rates in the state and, as appropriate,
15 35 the usual and customary charges of health care providers,



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16 1 including the reimbursement rates paid to providers and by
16 2 third-party payors participating in the medical assistance
16 3 program and through the expansion population. The department
16 4 shall consult with the division of insurance of the department
16 5 of commerce in adopting administrative rules specifying the
16 6 reporting format and guaranteeing the confidentiality of the
16 7 information provided by the providers and third-party payors.
16 8 ~~The~~ If collected, the department shall review the data and
16 9 make recommendations to the governor and the general assembly
16 10 regarding pricing changes and reimbursement rates annually
16 11 by January 1. Any recommended pricing changes or changes in
16 12 reimbursement rates shall not be implemented without express
16 13 authorization by the general assembly.

16 14 Sec. 16. Section 249J.21, Code 2009, is amended to read as
16 15 follows:

16 16 249J.21 Payments to health care providers ~~based on actual~~
~~16 17 costs.~~

~~16 18 Payments, including graduate medical education payments,~~
~~16 19 under the medical assistance program and the expansion~~
~~16 20 population to each public hospital and each public nursing~~
~~16 21 facility shall not exceed the actual medical assistance costs~~
~~16 22 of each such facility reported on the Medicare hospital and~~
~~16 23 hospital health care complex cost report submitted to the~~
~~16 24 centers for Medicare and Medicaid services of the United States~~
~~16 25 department of health and human services.~~ Each public hospital
16 26 and each public nursing facility shall retain one hundred
16 27 percent of the medical assistance payments earned under state
16 28 reimbursement rules. State reimbursement rules may provide for
16 29 reimbursement at less than actual cost.

16 30 Sec. 17. Section 249J.22, Code 2009, is amended to read as
16 31 follows:

16 32 249J.22 Independent annual audit.

16 33 The department shall contract with a certified public
16 34 accountant to provide an analysis, on an annual basis, to the
16 35 governor and the general assembly regarding compliance of the



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17 1 Iowa medical assistance program with each of the following:
17 2 1. That the state has not instituted any new provider taxes
17 3 as defined by the centers for Medicare and Medicaid services
17 4 of the United States department of health and human services,
17 5 unless otherwise authorized by state law and approved by the
17 6 centers for Medicare and Medicaid services.

17 7 ~~2. That public hospitals and public nursing facilities~~
17 8 ~~are not paid more than the actual costs of care for medical~~
17 9 ~~assistance program and disproportionate share hospital program~~
17 10 ~~recipients based upon Medicare program principles of accounting~~
17 11 ~~and cost reporting.~~

17 12 ~~3. 2.~~ That the state is not recycling federal funds
17 13 provided under Title XIX of the Social Security Act as defined
17 14 by the centers for Medicare and Medicaid services of the United
17 15 States department of health and human services.

17 16 Sec. 18. Section 249J.23, subsection 3, Code 2009, is
17 17 amended to read as follows:

17 18 3. Moneys deposited in the account for health care
17 19 transformation shall be used only as provided in appropriations
17 20 from the account for the costs associated with certain services
17 21 provided to the expansion population pursuant to section
17 22 249J.6, ~~certain initiatives to be designed pursuant to section~~
17 23 ~~249J.8, the case-mix adjusted reimbursement system for persons~~
17 24 ~~with mental retardation or developmental disabilities pursuant~~
17 25 ~~to section 249J.12, certain health promotion partnership~~
17 26 ~~activities pursuant to section 249J.14, the cost and quality~~
17 27 ~~performance evaluation pursuant to section 249J.16, auditing~~
17 28 ~~requirements pursuant to section 249J.22, the provision~~
17 29 ~~of additional indigent patient care and treatment, and~~
17 30 ~~administrative costs associated with this chapter.~~

17 31 Sec. 19. Section 249J.24, Code Supplement 2009, is amended
17 32 to read as follows:

17 33 249J.24 IowaCare account.

17 34 1. An IowaCare account is created in the state treasury
17 35 under the authority of the department of human services.



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18 1 Moneys appropriated from the general fund of the state to the
18 2 account, moneys received as federal financial participation
18 3 funds under the expansion population provisions of this
18 4 chapter and credited to the account, moneys received for
18 5 disproportionate share hospitals and credited to the account,
18 6 moneys received for graduate medical education and credited to
18 7 the account, proceeds distributed from the county treasurer as
18 8 specified in subsection ~~6~~ 4, and moneys from any other source
18 9 credited to the account shall be deposited in the account.
18 10 Moneys deposited in or credited to the account shall be used
18 11 only as provided in appropriations or distributions from the
18 12 account for the purposes specified in the appropriation or
18 13 distribution. Moneys in the account shall be appropriated to
18 14 the university of Iowa hospitals and clinics, and to a publicly
18 15 owned acute care teaching hospital located in a county with a
18 16 population over three hundred fifty thousand, ~~and to the state~~
~~18 17 hospitals for persons with mental illness designated pursuant~~
~~18 18 to section 226.1~~ for the purposes provided in the federal
18 19 law making the funds available or as specified in the state
18 20 appropriation and shall be distributed as determined by the
18 21 department.
18 22 2. The account shall be separate from the general fund
18 23 of the state and shall not be considered part of the general
18 24 fund of the state. The moneys in the account shall not be
18 25 considered revenue of the state, but rather shall be funds of
18 26 the account. The moneys in the account are not subject to
18 27 section 8.33 and shall not be transferred, used, obligated,
18 28 appropriated, or otherwise encumbered, except to provide for
18 29 the purposes of this chapter. Notwithstanding section 12C.7,
18 30 subsection 2, interest or earnings on moneys deposited in the
18 31 account shall be credited to the account.
18 32 3. The department shall adopt rules pursuant to chapter 17A
18 33 to administer the account.
18 34 4. ~~The treasurer of state shall provide a quarterly report~~
~~18 35 of activities and balances of the account to the director.~~



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19 1 ~~5. Notwithstanding section 262.28 or any provision of this~~
19 2 ~~chapter to the contrary, payments to be made to participating~~
19 3 ~~public hospitals under this section shall be made on a~~
19 4 ~~prospective basis in twelve equal monthly installments based~~
19 5 ~~upon the amount appropriated or allocated, as applicable to a~~
19 6 ~~specific public hospital, in a specific fiscal year. After the~~
19 7 ~~close of the fiscal year, the department shall determine the~~
19 8 ~~amount of the payments attributable to the state general fund,~~
19 9 ~~federal financial participation funds collected for expansion~~
19 10 ~~population services, graduate medical education funds, and~~
19 11 ~~disproportionate share hospital funds, based on claims data and~~
19 12 ~~actual expenditures.~~

19 13 ~~6.~~ 4. a. Notwithstanding any provision to the contrary,
19 14 for the collection of taxes levied under section 347.7 ~~for~~
19 15 ~~which the collection is performed after July 1, 2005, the~~
19 16 county treasurer of a county with a population over three
19 17 hundred fifty thousand in which a publicly owned acute care
19 18 teaching hospital is located shall distribute the proceeds
19 19 collected pursuant to section 347.7 in a total amount of
19 20 ~~thirty-four~~ thirty-eight million dollars annually, which
19 21 would otherwise be distributed to the county hospital, to the
19 22 treasurer of state for deposit in the IowaCare account under
19 23 this section as follows:

19 24 (1) The first ~~seventeen~~ nineteen million dollars in
19 25 collections pursuant to section 347.7 between July 1 and
19 26 December 31 annually shall be distributed to the treasurer
19 27 of state for deposit in the IowaCare account and collections
19 28 during this time period in excess of ~~seventeen~~ nineteen million
19 29 dollars shall be distributed to the acute care teaching
19 30 hospital identified in this subsection.

19 31 (2) The first ~~seventeen~~ nineteen million dollars in
19 32 collections pursuant to section 347.7 between January 1 and
19 33 June 30 annually shall be distributed to the treasurer of state
19 34 for deposit in the IowaCare account and collections during this
19 35 time period in excess of ~~seventeen~~ nineteen million dollars



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20 1 shall be distributed to the acute care teaching hospital
20 2 identified in this subsection.

20 3 b. The board of trustees of the acute care teaching hospital
20 4 identified in this subsection and the department shall execute
20 5 an agreement under chapter 28E ~~by July 1, 2005, and annually~~
20 6 ~~by July 1, thereafter,~~ to specify the requirements relative to
20 7 distribution of the proceeds and the distribution of moneys to
20 8 the hospital from the IowaCare account. The agreement shall
20 9 include provisions relating to exceptions to the deadline for
20 10 submission of clean claims as required pursuant to section
20 11 249J.7 and provisions relating to data reporting requirements
20 12 regarding the expansion population. The agreement may also
20 13 include a provision allowing such hospital to limit access
20 14 to such hospital by expansion population members based on
20 15 residency of the member, if such provision reflects the policy
20 16 of such hospital regarding indigent patients ~~existing on April~~
~~20 17 1, 2005,~~ as adopted by its board of hospital trustees.

20 18 c. Notwithstanding the specified amount of proceeds to be
20 19 distributed under this subsection, if the amount allocated that
20 20 does not require federal matching funds under an appropriation
20 21 in a subsequent fiscal year to such hospital for medical and
20 22 surgical treatment of indigent patients, for provision of
20 23 services to expansion population members, and for medical
20 24 education, is reduced from the amount allocated that does not
20 25 require federal matching funds under the appropriation for
20 26 the fiscal year beginning July 1, ~~2005~~ 2010, the amount of
20 27 proceeds required to be distributed under this subsection in
20 28 that subsequent fiscal year shall be reduced in the same amount
20 29 as the amount allocated that does not require federal matching
20 30 funds under that appropriation.

~~20 31 7. The state board of regents, on behalf of the university~~
~~20 32 of Iowa hospitals and clinics, and the department shall execute~~
~~20 33 an agreement under chapter 28E by July 1, 2005, and annually~~
~~20 34 by July 1, thereafter, to specify the requirements relating~~
~~20 35 to distribution of moneys to the hospital from the IowaCare~~



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~~21 1 account. The agreement shall include provisions relating to~~
~~21 2 exceptions to the deadline for submission of clean claims as~~
~~21 3 required pursuant to section 249J.7 and provisions relating to~~
~~21 4 data reporting requirements regarding the expansion population.~~
21 5 ~~8.~~ 5. The state and any county utilizing the acute care
21 6 teaching hospital located in a county with a population over
21 7 three hundred fifty thousand for mental health services ~~prior~~
~~21 8 to July 1, 2005~~, shall annually enter into an agreement with
21 9 such hospital to pay a per diem amount that is not less than the
21 10 per diem amount paid for those mental health services in effect
21 11 for the fiscal year beginning July 1, ~~2004~~ 2010, for each
21 12 individual including each expansion population member accessing
21 13 mental health services at that hospital ~~on or after July 1,~~
~~21 14 2005~~. Any payment made under such agreement for an expansion
21 15 population member pursuant to this chapter shall be considered
21 16 by the department to be payment by a third-party payor.
21 17 Sec. 20. Section 249J.25, Code 2009, is amended to read as
21 18 follows:
21 19 249J.25 Limitations.
21 20 1. The provisions of this chapter shall not be construed,
21 21 are not intended as, and shall not imply a grant of entitlement
21 22 for services to individuals who are eligible for assistance
21 23 under this chapter or for utilization of services that do not
21 24 exist or are not otherwise available on July 1, ~~2005~~ 2010.
21 25 Any state obligation to provide services pursuant to this
21 26 chapter is limited to the extent of the funds appropriated or
21 27 distributed for the purposes of this chapter.
21 28 2. The provisions of this chapter shall not be construed
21 29 and are not intended to affect the provision of services to
21 30 recipients of medical assistance existing on July 1, ~~2005~~ 2010.
21 31 Sec. 21. Section 249J.26, Code 2009, is amended to read as
21 32 follows:
21 33 249J.26 Audit == future repeal.
21 34 1. The state auditor shall complete an audit of the
21 35 provisions implemented pursuant to this chapter during the



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22 1 fiscal year beginning July 1, ~~2009~~ 2012, and shall submit the
22 2 results of the audit to the governor and the general assembly
22 3 by January 1, ~~2010~~ 2013.

22 4 2. This chapter is repealed ~~June 30, 2010~~ October 31, 2013.
22 5 Sec. 22. REPEAL. Sections 249J.12 and 249J.15, Code 2009,
22 6 are repealed.

DIVISION II

CONFORMING PROVISIONS

22 9 Sec. 23. Section 135.159, subsection 9, Code Supplement
22 10 2009, is amended to read as follows:

22 11 9. The department shall coordinate the requirements and
22 12 activities of the medical home system with the requirements
22 13 and activities of the dental home for children as described in
22 14 section 249J.14, ~~subsection 7~~, and shall recommend financial
22 15 incentives for dentists and nondental providers to promote
22 16 oral health care coordination through preventive dental
22 17 intervention, early identification of oral disease risk, health
22 18 care coordination and data tracking, treatment, chronic care
22 19 management, education and training, parental guidance, and oral
22 20 health promotions for children.

22 21 Sec. 24. Section 218.78, subsection 1, Code 2009, is amended
22 22 to read as follows:

22 23 1. All institutional receipts of the department of human
22 24 services, including funds received from client participation
22 25 at the state resource centers under section 222.78 and at the
22 26 state mental health institutes under section 230.20, shall be
22 27 deposited in the general fund except for reimbursements for
22 28 services provided to another institution or state agency, for
22 29 receipts deposited in the revolving farm fund under section
22 30 904.706, for deposits into the medical assistance fund under
22 31 section 249A.11, ~~for any deposits into the medical assistance~~
~~22 32 fund of any medical assistance payments received through the~~
~~22 33 expansion population program pursuant to chapter 249J~~, and
22 34 rentals charged to employees or others for room, apartment, or
22 35 house and meals, which shall be available to the institutions.



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23 1 Sec. 25. Section 230.20, subsection 2, paragraph a, Code
23 2 2009, is amended to read as follows:
23 3 a. The superintendent shall certify to the department the
23 4 billings to each county for services provided to patients
23 5 chargeable to the county during the preceding calendar quarter.

23 6 The county billings shall be based on the average daily
23 7 patient charge and other service charges computed pursuant
23 8 to subsection 1, and the number of inpatient days and other
23 9 service units chargeable to the county. However, a county
23 10 billing shall be decreased by an amount equal to reimbursement
23 11 by a third party payor or estimation of such reimbursement
23 12 from a claim submitted by the superintendent to the third
23 13 party payor for the preceding calendar quarter. When the
23 14 actual third party payor reimbursement is greater or less
23 15 than estimated, the difference shall be reflected in the
23 16 county billing in the calendar quarter the actual third party
23 17 payor reimbursement is determined. ~~For the purposes of this~~
~~23 18 paragraph, "third party payor reimbursement" does not include~~
~~23 19 reimbursement provided under chapter 249J.~~

23 20 Sec. 26. Section 230.20, subsections 5 and 6, Code 2009, are
23 21 amended to read as follows:

23 22 5. An individual statement shall be prepared for a patient
23 23 on or before the fifteenth day of the month following the month
23 24 in which the patient leaves the mental health institute, and a
23 25 general statement shall be prepared at least quarterly for each
23 26 county to which charges are made under this section. Except as
23 27 otherwise required by sections 125.33 and 125.34 the general
23 28 statement shall list the name of each patient chargeable to
23 29 that county who was served by the mental health institute
23 30 during the preceding month or calendar quarter, the amount due
23 31 on account of each patient, and the specific dates for which
23 32 any third party payor reimbursement received by the state is
23 33 applied to the statement and billing, and the county shall
23 34 be billed for eighty percent of the stated charge for each
23 35 patient specified in this subsection. ~~For the purposes of this~~



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~~24 1 subsection, "third party payor reimbursement" does not include~~
~~24 2 reimbursement provided under chapter 249J. The statement~~
24 3 prepared for each county shall be certified by the department
24 4 and a duplicate statement shall be mailed to the auditor of
24 5 that county.

24 6 6. All or any reasonable portion of the charges incurred
24 7 for services provided to a patient, to the most recent date
24 8 for which the charges have been computed, may be paid at any
24 9 time by the patient or by any other person on the patient's
24 10 behalf. Any payment made by the patient or other person,
24 11 and any federal financial assistance received pursuant to
24 12 Title XVIII or XIX of the federal Social Security Act for
24 13 services rendered to a patient, shall be credited against the
24 14 patient's account and, if the charges paid as described in this
24 15 subsection have previously been billed to a county, reflected
24 16 in the mental health institute's next general statement to that
24 17 county. ~~However, any payment made under chapter 249J shall~~
~~24 18 not be reflected in the mental health institute's next general~~
~~24 19 statement to that county.~~

24 20 Sec. 27. Section 249A.11, Code 2009, is amended to read as
24 21 follows:

24 22 249A.11 Payment for patient care segregated.
24 23 A state resource center or mental health institute, upon
24 24 receipt of any payment made under this chapter for the care of
24 25 any patient, shall segregate an amount equal to that portion of
24 26 the payment which is required by law to be made from nonfederal
24 27 funds ~~except for any nonfederal funds received through the~~
~~24 28 expansion population program pursuant to chapter 249J which~~
~~24 29 shall be deposited in the IowaCare account created pursuant~~
~~24 30 to section 249J.24.~~ The money segregated shall be deposited
24 31 in the medical assistance fund of the department of human
24 32 services.

24 33 Sec. 28. REPEAL. Chapter 219, Code 2009, is repealed.

24 34 EXPLANATION

24 35 This bill provides for the renewal of the IowaCare program



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25 1 which was established pursuant to a Medicaid program waiver in
25 2 2005 and is subject to repeal or renewal beginning June 30,
25 3 2010.
25 4 The bill eliminates outdated references; eliminates
25 5 provisions relating to the state hospitals for mental illness
25 6 for which funding provisions were phased out during the
25 7 initial waiver period; updates provisions relating to existing
25 8 services, financial participation in the program, and health
25 9 promotion partnerships; updates provisions relating to dental
25 10 homes for children; changes data and reporting requirements for
25 11 the program; updates provisions relating to the county tax levy
25 12 amount dedicated to the IowaCare program to reflect current
25 13 practice; and provides for the repeal of the Code chapter
25 14 on October 31, 2013. The bill also makes other conforming
25 15 changes.

LSB 5354XD (10) 83
pf/nh



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House Study Bill 571

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

A BILL FOR

1 An Act relating to various activities regulated and programs
2 administered by the department of public health, including
3 the Iowa collaborative safety net provider network,
4 fetal death certification, and optometry, cosmetology,
5 and barbering licensure, and including effective date
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5263DP (12) 83

jr/nh



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House Study Bill 571 continued

PAG LIN

1 1 Section 1. Section 135.24, subsection 7, paragraph e, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 e. "Specialty health care provider office" means the
1 4 private office or clinic of an individual specialty health
1 5 care provider or group of specialty health care providers as
1 6 referred by the ~~Iowa collaborative safety net provider network~~
~~1 7 established in section 135.153~~ Iowa specialty care referral
1 8 network, but does not include a field dental clinic, a free
1 9 clinic, or a hospital.

1 10 Sec. 2. Section 144.31, Code 2009, is amended to read as
1 11 follows:

1 12 144.31 Medical certification == fetal death.

1 13 1. The medical certification for a fetal death shall be
1 14 completed within ~~twenty-four~~ seventy-two hours after delivery
1 15 by the physician in attendance at or after delivery except when
1 16 inquiry is required by the county medical examiner.

1 17 2. When a fetal death occurs without medical attendance upon
1 18 the mother at or after delivery or when inquiry is required
1 19 by the county medical examiner, the medical examiner shall
1 20 investigate the cause of fetal death and shall complete the
1 21 medical certification within ~~twenty-four~~ seventy-two hours
1 22 after taking charge of the case. The person completing the
1 23 medical certification of cause of fetal death shall attest to
1 24 its accuracy either by signature or as authorized by rule.

1 25 Sec. 3. Section 148.3, subsection 1, paragraph a,
1 26 unnumbered paragraph 1, Code Supplement 2009, is amended to
1 27 read as follows:

1 28 A Evidence of a diploma issued by a medical college or
1 29 college of osteopathic medicine and surgery approved by the
1 30 board, or other evidence of equivalent medical education
1 31 approved by the board. The board may accept, in lieu of a
1 32 diploma from a medical college approved by the board, all of
1 33 the following:

1 34 Sec. 4. Section 154.1, Code 2009, is amended to read as
1 35 follows:



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House Study Bill 571 continued

2 1 154.1 ~~Board defined== optometry == diagnostically~~
~~2 2 certified licensed optometrists == therapeutically certified~~
~~2 3 optometrists~~ Definitions == optometry.
 2 4 1. As used in this chapter, ~~"board":~~
 2 5 a. "Board" means the board of optometry created under
 2 6 chapter 147.
 2 7 b. "Licensed optometrist" means an optometrist who is
 2 8 licensed to practice optometry in this state pursuant to this
 2 9 chapter.
 2 10 2. For the purpose of this subtitle, the following classes
 2 11 of persons shall be deemed to be engaged in the practice of
 2 12 optometry:
 2 13 a. Persons employing any means other than the use of drugs,
 2 14 medicine, or surgery for the measurement of the visual power
 2 15 and visual efficiency of the human eye; persons engaged in
 2 16 the prescribing and adapting of lenses, prisms, and contact
 2 17 lenses; and persons engaged in the using or employing of visual
 2 18 training or ocular exercise for the aid, relief, or correction
 2 19 of vision.
 2 20 b. Persons who allow the public to use any mechanical device
 2 21 for a purpose described in paragraph "a".
 2 22 c. Persons who publicly profess to be optometrists and to
 2 23 assume the duties incident to the profession.
 2 24 3. ~~Diagnostically certified licensed optometrists may~~
~~2 25 employ cycloplegics, mydriatics, and topical anesthetics as~~
~~2 26 diagnostic agents topically applied to determine the condition~~
~~2 27 of the human eye for proper optometric practice or referral~~
~~2 28 for treatment to a person licensed under chapter 148. A~~
~~2 29 diagnostically certified licensed optometrist is an optometrist~~
~~2 30 who is licensed to practice optometry in this state and who is~~
~~2 31 certified by the board to use diagnostic agents.~~
 2 32 4. ~~Therapeutically certified optometrists may employ all~~
~~2 33 diagnostic and therapeutic pharmaceutical agents for the~~
~~2 34 purpose of diagnosis and treatment of conditions of the human~~
~~2 35 eye and adnexa pursuant to this subsection, excluding the~~



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~~House Study Bill 571 continued~~

~~— 3 1 use of injections other than to counteract an anaphylactic
— 3 2 reaction, and notwithstanding section 147.107, may without
— 3 3 charge supply any of the above pharmaceuticals to commence a
— 3 4 course of therapy. Therapeutically certified optometrists may
— 3 5 prescribe oral steroids for a period not to exceed fourteen
— 3 6 days without consultation with a physician. Therapeutically
— 3 7 certified optometrists shall not prescribe oral Imuran or
— 3 8 oral Methotrexate. Therapeutically certified optometrists
— 3 9 may be authorized, where reasonable and appropriate, by
— 3 10 rule of the board, to employ new diagnostic and therapeutic
— 3 11 pharmaceutical agents approved by the United States food
— 3 12 and drug administration on or after July 1, 2002, for the
— 3 13 diagnosis and treatment of the human eye and adnexa. The
— 3 14 board shall not be required to adopt rules relating to
— 3 15 topical pharmaceutical agents, oral antimicrobial agents,
— 3 16 oral antihistamines, oral antiglaucoma agents, and oral
— 3 17 analgesic agents. Superficial foreign bodies may be removed
— 3 18 from the human eye and adnexa. The therapeutic efforts of
— 3 19 a therapeutically certified optometrist are intended for the
— 3 20 purpose of examination, diagnosis, and treatment of visual
— 3 21 defects, abnormal conditions, and diseases of the human eye
— 3 22 and adnexa, for proper optometric practice or referral for
— 3 23 consultation or treatment to persons licensed under chapter
— 3 24 148. A therapeutically certified optometrist is an optometrist
— 3 25 who is licensed to practice optometry in this state and who
— 3 26 is certified by the board to use the agents and procedures
— 3 27 authorized pursuant to this subsection.~~

3 28 3. Beginning July 1, 2012, all licensed optometrists shall
3 29 meet requirements as established by the board by rule to
3 30 employ diagnostic and therapeutic pharmaceutical agents for
3 31 the practice of optometry. All licensees practicing optometry
3 32 in this state shall have demonstrated qualifications and have
3 33 obtained certification to use diagnostic and therapeutic
3 34 pharmaceutical agents as a condition of license renewal.

3 35 4. A licensed optometrist may do any of the following:



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House Study Bill 571 continued

4 1 a. Employ cycloplegics, mydriatics, and topical anesthetics
4 2 as diagnostic agents topically applied to determine the
4 3 condition of the human eye for proper optometric practice or
4 4 referral for treatment to a person licensed under chapter 148.
4 5 b. Employ therapeutic pharmaceutical agents for the purpose
4 6 of diagnosis and treatment of conditions of the human eye
4 7 and adnexa pursuant to this subsection, excluding the use of
4 8 injections other than to counteract an anaphylactic reaction,
4 9 and notwithstanding section 147.107, may without charge supply
4 10 any of the pharmaceuticals described in paragraph "a" to
4 11 commence a course of therapy.
4 12 c. Prescribe oral steroids for a period not to exceed
4 13 fourteen days without consultation with a physician. However,
4 14 a licensed optometrist shall not prescribe oral Imuran or oral
4 15 Methotrexate. Licensed optometrists may be authorized, where
4 16 reasonable and appropriate, by rule of the board, to employ new
4 17 diagnostic and therapeutic pharmaceutical agents approved by
4 18 the United States food and drug administration on or after July
4 19 1, 2002, for the diagnosis and treatment of the human eye and
4 20 adnexa. The board is not required to adopt rules relating to
4 21 topical pharmaceutical agents, oral antimicrobial agents, oral
4 22 antihistamines, oral antiglaucoma agents, or oral analgesic
4 23 agents.
4 24 d. Remove superficial foreign bodies from the human eye and
4 25 adnexa.
4 26 5. The therapeutic efforts of a licensed optometrist
4 27 are intended for the purpose of examination, diagnosis, and
4 28 treatment of visual defects, abnormal conditions, and diseases
4 29 of the human eye and adnexa, for proper optometric practice
4 30 or referral for consultation or treatment to persons licensed
4 31 under chapter 148.
4 32 Sec. 5. Section 154.10, Code 2009, is amended by striking
4 33 the section and inserting in lieu thereof the following:
4 34 154.10 Standard of care.
4 35 Licensed optometrists employing diagnostic and therapeutic



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5 1 pharmaceutical agents as authorized by section 154.1 shall be
5 2 held to the same standard of care in the use of such agents and
5 3 in diagnosis and treatment as is common to persons licensed
5 4 under chapter 148.

5 5 Sec. 6. Section 157.1, subsection 5, paragraph c, Code 2009,
5 6 is amended to read as follows:

5 7 c. Removing superfluous hair from the face or body of a
5 8 person with the use of depilatories, wax, sugars, threading, or
5 9 tweezing.

5 10 Sec. 7. Section 157.1, subsection 12, paragraph c, Code
5 11 2009, is amended to read as follows:

5 12 c. Removing superfluous hair from the body of a person
5 13 by the use of depilatories, waxing, sugaring, tweezers,
5 14 threading, or use of any certified laser products or
5 15 intense pulsed light devices. This excludes the practice of
5 16 electrology, whereby hair is removed with an electric needle.

5 17 Sec. 8. Section 157.8, subsection 2, Code 2009, is amended
5 18 to read as follows:

5 19 2. The number of instructors for each school shall
5 20 be based upon total enrollment, with a minimum of two
5 21 licensed instructors employed on a full-time basis for up to
5 22 thirty students and an additional licensed instructor for each
5 23 fifteen additional students. A student instructor shall not be
5 24 used to meet licensed instructor-to-student ratios. However,

~~5 25 a~~ A school operated by an area community college prior to
5 26 September 1, 1982, with only one instructor per fifteen
5 27 students is not subject to this paragraph and may continue to
5 28 operate with the ratio of one licensed instructor to fifteen
5 29 students. A student instructor may not be used to meet this
5 30 requirement.

5 31 a. A person employed as an instructor in the cosmetology
5 32 arts and sciences by a licensed school shall be licensed in
5 33 the practice and shall possess a separate instructor's license
5 34 which shall be renewed biennially. An instructor shall file
5 35 an application with the department on forms prescribed by the



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6 1 board. ~~Prior to licensure, an applicant for an instructor's~~
6 2 ~~license shall have been actively engaged in the practice for a~~
6 3 ~~period of two years and complete a course of study required by~~
6 4 ~~the board or an instructor's course at a school for cosmetology~~
6 5 ~~arts and sciences, and meet any other requirement established~~
6 6 ~~by the board. Requirements for licensure as an instructor~~
6 7 ~~shall be determined by the board by rule.~~

6 8 b. The application for an instructor's license shall be
6 9 accompanied by the biennial fee determined pursuant to section
6 10 147.80.

6 11 Sec. 9. Section 158.4, subsection 2, Code 2009, is amended
6 12 to read as follows:

6 13 2. The department may issue a temporary permit ~~for the~~
6 14 ~~purpose of demonstrating barbering upon recommendation of the~~
6 15 ~~board which allows the applicant to practice barbering for~~
6 16 ~~purposes determined by rule. The board shall determine and~~
6 17 ~~state its recommendations and the length of time the temporary~~
6 18 ~~permit issued under this subsection is valid.~~

6 19 Sec. 10. REPEAL. Section 152B.13, Code Supplement 2009, is
6 20 repealed.

6 21 Sec. 11. EFFECTIVE DATE. The sections of this Act amending
6 22 sections 154.1 and 154.10 take effect July 1, 2012.

6 23 EXPLANATION

6 24 This bill contains revisions to a variety of programs and
6 25 licensing provisions administered by the department of public
6 26 health.

6 27 The bill amends Code section 144.31 to extend the deadline
6 28 for fetal death certification from 24 hours to 72 hours, making
6 29 this requirement consistent with the time frames for other
6 30 death certifications.

6 31 The bill amends Code section 148.3 to allow the submission of
6 32 medical education documentation previously submitted to another
6 33 state's licensing authority rather than having to provide the
6 34 actual diploma.

6 35 The bill repeals Code section 152B.13, establishing the



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House Study Bill 571 continued

7 1 board of respiratory care. Similar language exists in Code
7 2 chapter 147, which regulates health professions generally.
7 3 The bill amends Code sections 154.1 and 154.10, relating to
7 4 the practice of optometry, effective July 1, 2012. On that
7 5 July 1, 2012 date, the amendment requires optometrists to
7 6 meet board requirements to employ diagnostic and therapeutic
7 7 pharmaceutical agents. The bill eliminates the option of
7 8 preparation and certification at the diagnostic level only, and
7 9 requires every optometrist to demonstrate qualification and
7 10 certification to use both diagnostic and therapeutic agents as
7 11 a condition of license renewal.
7 12 The bill amends Code section 157.1 by adding the practice
7 13 of threading to the scope of practice of cosmetology and
7 14 esthetics. The bill also amends Code section 157.8, by
7 15 providing that a student instructor does not count toward
7 16 meeting the instructor=student ratio detailed in that Code
7 17 section. In addition, the bill strikes specific licensure
7 18 requirements and provides that licensure requirements for
7 19 instructors will be determined by rule.
7 20 Code section 158.4 allows the department to issue a
7 21 temporary barbering permit for persons who are demonstrating
7 22 barbering techniques. The bill empowers the department to
7 23 determine by rule the reasons for which a temporary permit may
7 24 be issued.

LSB 5263DP (12) 83

jr/nh



Iowa General Assembly
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House Study Bill 572

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act relating to the field services organization for the
2 department of human services and including effective date
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5350XD (5) 83
jp/nh



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House Study Bill 572 continued

PAG LIN

1 1 Section 1. Section 217.42, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. The organizational structure to deliver the department's
1 4 field services shall be based upon service areas designated by
1 5 the department. The service areas shall serve as a basis for
1 6 providing field services to persons residing in the counties
1 7 comprising the service area. ~~The service areas shall be those~~
1 8 ~~designated by the department effective January 1, 2002. In~~
1 9 ~~determining the service areas, the department shall consider~~
1 10 ~~other geographic service areas including but not limited to~~
1 11 ~~judicial districts and community empowerment areas. The~~
1 12 ~~department shall consult with the county boards of supervisors~~
1 13 ~~in a service area with respect to the selection of the service~~
1 14 ~~area manager responsible for the service area who is initially~~
1 15 ~~selected for the service area designated effective January 1,~~
1 16 ~~2002, and any service area manager selected for the service~~
1 17 ~~area thereafter. Following establishment of the service areas~~
1 18 ~~effective January 1, 2002, if a county seeks to change the~~
1 19 ~~boundaries of a service area, the change shall only take place~~
1 20 ~~if the change is mutually agreeable to the department and all~~
1 21 ~~affected counties. If it is necessary for the department to~~
1 22 ~~significantly modify its field operations or the composition~~
1 23 ~~of a designated service area, or if it is necessary for the~~
1 24 ~~department to change the number of offices operating less than~~
1 25 ~~full-time, the department shall consult with the affected~~
1 26 ~~counties prior to implementing such action.~~
1 27 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 28 immediate importance, takes effect upon enactment.
1 29 EXPLANATION
1 30 This bill relates to the field services organization for
1 31 the department of human services under Code section 217.42,
1 32 providing for service areas to be designated by the department.
1 33 The bill eliminates other language limiting the field
1 34 services organization to the service areas designated as of
1 35 January 1, 2002, requiring consideration of other geographic



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2 1 service areas, requiring consultation with county boards of
2 2 supervisors regarding selection of service area managers,
2 3 providing a procedure for counties seeking to change the
2 4 boundaries of a service area, and requiring consultation with
2 5 affected counties if it is necessary for the department to
2 6 significantly modify service areas or related operations.
2 7 The bill takes effect upon enactment.

LSB 5350XD (5) 83

jp/nh



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Senate File 2048 - Introduced

SENATE FILE
BY WARNSTADT

A BILL FOR

1 An Act providing for counseling to be available for the
2 children of certain military personnel with federal service
3 active duty mobilization orders.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5247XS (2) 83
jp/nh



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Senate File 2048 - Introduced continued

PAG LIN

1 1 Section 1. Section 225C.52, subsection 2, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. m. Providing for augmentation of the
1 4 mental and behavioral health benefits available under the
1 5 federal government's civilian health care plan for military
1 6 personnel and dependents so that dependent children covered
1 7 under such plans who reside in this state are eligible to
1 8 receive counseling free of charge for the period beginning upon
1 9 receipt of federal service active duty mobilization orders by
1 10 the military personnel and ending one year after the date the
1 11 mobilization was completed.

1 12 EXPLANATION

1 13 This bill provides for counseling to be available free of
1 14 charge for the dependent children of certain military personnel
1 15 with federal service active duty mobilization orders. The
1 16 requirement is inserted as one of the desired outcomes for the
1 17 comprehensive community-based mental health services system
1 18 for children under Code section 225C.52. The requirement is
1 19 for augmentation of the mental and behavioral health benefits
1 20 available under the federal government's civilian health
1 21 care plan for military personnel and dependents in order for
1 22 the counseling to be available to the personnel's dependent
1 23 children residing in this state for a specified period. The
1 24 specified period begins upon receipt of federal service active
1 25 duty mobilization orders by the military personnel and ends one
1 26 year after the date the mobilization was completed.

LSB 5247XS (2) 83

jp/nh



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Senate File 2049 - Introduced

SENATE FILE
BY RIELLY

A BILL FOR

1 An Act providing an exception to licensing requirements for
2 certain bingo occasions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5505XS (3) 83
ec/rj



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Senate File 2049 - Introduced continued

PAG LIN

1 1 Section 1. Section 99B.12A, unnumbered paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 ~~An organization that is exempt from federal income taxes~~
~~1 4 under section 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6),~~
~~1 5 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal~~
~~1 6 Revenue Code as defined in section 422.3, A person shall be~~
1 7 authorized to conduct a bingo occasion without a license as
1 8 otherwise required by this chapter if all of the following
1 9 requirements are met:

1 10 EXPLANATION

1 11 This bill authorizes any person to conduct a bingo occasion
1 12 without a license if participants are not charged to enter the
1 13 premises where bingo is conducted, participants are not charged
1 14 to play bingo, any prize awarded is donated, and the bingo
1 15 occasion is conducted as an activity and not for fund raising
1 16 purposes. Current law only allows nonprofit organizations to
1 17 conduct a bingo occasion under these limitations without a
1 18 license.

LSB 5505XS (3) 83
ec/rj



Iowa General Assembly
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Senate File 2050 - Introduced

SENATE FILE
BY RIELLY and HECKROTH

A BILL FOR

1 An Act relating to the emergency detention or hospitalization
2 of a person incapacitated by a chemical substance or with a
3 serious mental impairment, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5010SS (7) 83
jm/rj



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Senate File 2050 - Introduced continued

PAG LIN

1 1 Section 1. Section 125.34, subsection 2, Code 2009, is
1 2 amended to read as follows:

1 3 2. If no facility is readily available the person may
1 4 be taken to an emergency medical service customarily used
1 5 for incapacitated persons. The peace officer in detaining
1 6 the person and in taking the person to a facility shall make
1 7 every reasonable effort to protect the person's health and
1 8 safety. In detaining the person the detaining officer may take
1 9 reasonable steps for self-protection. Detaining a person under
1 10 section 125.91 is not an arrest and no entry or other record
1 11 shall be made to indicate that the person who is detained has
1 12 been arrested or charged with a crime except for an entry
1 13 or other record relating to an arrest upon discharge that is
1 14 permissible under section 125.91.

1 15 Sec. 2. Section 125.91, subsection 2, paragraphs a and b,
1 16 Code Supplement 2009, are amended to read as follows:

1 17 a. A peace officer who has reasonable grounds to believe
1 18 that the circumstances described in subsection 1 are applicable
1 19 may, without a warrant, take or cause that person to be taken
1 20 to the nearest available facility referred to in section
1 21 125.81, subsection 2, paragraph "b" or "c". Such an intoxicated
1 22 or incapacitated person may also be delivered to a facility by
1 23 someone other than a peace officer upon a showing of reasonable
1 24 grounds. Upon delivery of the person to a facility under
1 25 this section, the examining physician may order treatment of
1 26 the person, but only to the extent necessary to preserve the
1 27 person's life or to appropriately control the person's behavior
1 28 if the behavior is likely to result in physical injury to the
1 29 person or others if allowed to continue. The peace officer or
1 30 other person who delivered the person to the facility shall
1 31 describe the circumstances of the matter to the examining
1 32 physician. If the person is a peace officer, the peace officer
1 33 may do so either in person or by written report. A peace
1 34 officer shall appear in person if the person is to be arrested
1 35 upon discharge. If the examining physician has reasonable



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2 1 grounds to believe that the circumstances in subsection
2 2 1 are applicable, the examining physician shall at once
2 3 communicate with the nearest available magistrate as defined
2 4 in section 801.4, subsection 10. During the communication
2 5 with the nearest available magistrate, the peace officer shall
2 6 inform the magistrate that the person is to be arrested upon
2 7 discharge and notice has been provided pursuant to paragraph
2 8 "b". The magistrate shall, based upon the circumstances
2 9 described by the examining physician, give the examining
2 10 physician oral instructions either directing that the person
2 11 be released forthwith, or authorizing the person's detention
2 12 in an appropriate facility. The magistrate may also give oral
2 13 instructions and order that the detained person be transported
2 14 to an appropriate facility.

2 15 b. In circumstances where a peace officer delivers a person
2 16 to the facility and the peace officer notifies the facility, in
2 17 writing, that the person is to be arrested upon discharge, the
2 18 facility shall notify the law enforcement agency that employs
2 19 the peace officer by telephone or electronic mail at least six
2 20 hours prior to the planned discharge of the person from the
2 21 facility. If the law enforcement agency does not retrieve the
2 22 person prior to the time of the planned discharge, the person
2 23 may be discharged as planned.

2 24 b. c. If the magistrate orders that the person be detained,
2 25 the magistrate shall, by the close of business on the next
2 26 working day, file a written order with the clerk in the county
2 27 where it is anticipated that an application may be filed
2 28 under section 125.75. The order may be filed by facsimile if
2 29 necessary. The order shall state the circumstances under which
2 30 the person was taken into custody or otherwise brought to a
2 31 facility, ~~and~~ the grounds supporting the finding of probable
2 32 cause to believe that the person is a chronic substance abuser
2 33 likely to result in physical injury to the person or others if
2 34 not detained, and whether notification to a law enforcement
2 35 agency seeking to arrest the person is required prior to



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3 1 discharge pursuant to paragraph "b". The order shall confirm
3 2 the oral order authorizing the person's detention including
3 3 any order given to transport the person to an appropriate
3 4 facility. The clerk shall provide a copy of that order to the
3 5 chief medical officer of the facility to which the person was
3 6 originally taken, any subsequent facility to which the person
3 7 was transported, and to any law enforcement department or
3 8 ambulance service that transported the person pursuant to the
3 9 magistrate's order.

3 10 Sec. 3. Section 125.91, Code Supplement 2009, is amended by
3 11 adding the following new subsection:

3 12 NEW SUBSECTION. 5. A facility that does not notify a law
3 13 enforcement agency about the discharge of a person who is to be
3 14 arrested as provided in section 2, paragraph "b", shall pay a
3 15 civil penalty as provided in section 805.8C, subsection 8.

3 16 Sec. 4. Section 229.22, subsection 2, paragraphs a and b,
3 17 Code Supplement 2009, are amended to read as follows:

3 18 a. In the circumstances described in subsection 1, any
3 19 peace officer who has reasonable grounds to believe that
3 20 a person is mentally ill, and because of that illness is
3 21 likely to physically injure the person's self or others if
3 22 not immediately detained, may without a warrant take or cause
3 23 that person to be taken to the nearest available facility or
3 24 hospital as defined in section 229.11, subsection 1, paragraphs
3 25 "b" and "c". A person believed mentally ill, and likely
3 26 to injure the person's self or others if not immediately
3 27 detained, may be delivered to a hospital by someone other
3 28 than a peace officer. Upon delivery of the person believed
3 29 mentally ill to the hospital, the examining physician may
3 30 order treatment of that person, including chemotherapy, but
3 31 only to the extent necessary to preserve the person's life
3 32 or to appropriately control behavior by the person which is
3 33 likely to result in physical injury to that person or others
3 34 if allowed to continue. The peace officer who took the person
3 35 into custody, or other party who brought the person to the



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4 1 hospital, shall describe the circumstances of the matter to
4 2 the examining physician. If the person is a peace officer,
4 3 the peace officer may do so either in person or by written
4 4 report. A peace officer shall appear in person if the person
4 5 is to be arrested upon discharge. If the examining physician
4 6 finds that there is reason to believe that the person is
4 7 seriously mentally impaired, and because of that impairment is
4 8 likely to physically injure the person's self or others if not
4 9 immediately detained, the examining physician shall at once
4 10 communicate with the nearest available magistrate as defined
4 11 in section 801.4, subsection 10. During the communication
4 12 with the nearest available magistrate, the peace officer shall
4 13 inform the magistrate that the person is to be arrested upon
4 14 discharge and notice has been provided pursuant to paragraph
4 15 "b". The magistrate shall, based upon the circumstances
4 16 described by the examining physician, give the examining
4 17 physician oral instructions either directing that the person
4 18 be released forthwith or authorizing the person's detention in
4 19 an appropriate facility. The magistrate may also give oral
4 20 instructions and order that the detained person be transported
4 21 to an appropriate facility.
4 22 b. In circumstances where a peace officer delivers a person
4 23 to a facility or hospital and the peace officer notifies the
4 24 facility or hospital, in writing, that the person is to be
4 25 arrested upon discharge or release, the facility or hospital
4 26 shall notify the law enforcement agency that employs the peace
4 27 officer by telephone or electronic mail at least six hours
4 28 prior to the planned discharge or release of the person from
4 29 the facility or hospital. If the law enforcement agency does
4 30 not retrieve the person prior to the time of the planned
4 31 discharge or release, the person may be discharged or released
4 32 as planned.
4 33 b. c. If the magistrate orders that the person be detained,
4 34 the magistrate shall, by the close of business on the next
4 35 working day, file a written order with the clerk in the county



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5 1 where it is anticipated that an application may be filed
5 2 under section 229.6. The order may be filed by facsimile if
5 3 necessary. The order shall state the circumstances under which
5 4 the person was taken into custody or otherwise brought to a
5 5 facility or hospital, and the grounds supporting the finding
5 6 of probable cause to believe that the person is seriously
5 7 mentally impaired and likely to injure the person's self or
5 8 others if not immediately detained, and whether notification
5 9 to a law enforcement agency seeking to arrest the person is
5 10 required prior to discharge pursuant to paragraph "b". The
5 11 order shall confirm the oral order authorizing the person's
5 12 detention including any order given to transport the person
5 13 to an appropriate facility or hospital. The clerk shall
5 14 provide a copy of that order to the chief medical officer of
5 15 the facility or hospital to which the person was originally
5 16 taken, to any subsequent facility or hospital to which the
5 17 person was transported, and to any law enforcement department
5 18 or ambulance service that transported the person pursuant to
5 19 the magistrate's order.

5 20 Sec. 5. Section 229.22, Code Supplement 2009, is amended by
5 21 adding the following new subsection:

5 22 NEW SUBSECTION. 5. A hospital that does not notify a law
5 23 enforcement agency about the discharge of a person who is to be
5 24 arrested as provided in section 2, paragraph "b", shall pay a
5 25 civil penalty as provided in section 805.8C, subsection 8.

5 26 Sec. 6. Section 805.8C, Code Supplement 2009, is amended by
5 27 adding the following new subsection:

5 28 NEW SUBSECTION. 8. Notification Violations. For violations
5 29 described in section 125.91 or 229.22 the scheduled fine is
5 30 five hundred dollars for a first violation, and one thousand
5 31 dollars for a second or subsequent violation. The scheduled
5 32 fine under this subsection is a civil penalty, and the criminal
5 33 penalty surcharge under section 911.1 shall not be added to the
5 34 penalty.



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Senate File 2050 - Introduced continued

7 1 arrested upon discharge, the bill requires the peace officer
7 2 to remain at the hospital, and inform the magistrate about the
7 3 pending arrest. If the peace officer informs the magistrate
7 4 that the person is to be arrested upon discharge, the bill also
7 5 requires the magistrate to indicate in the detention order that
7 6 the hospital is required to notify the law enforcement agency
7 7 about the discharge prior to such discharge.
7 8 If a facility detaining a person due to incapacitation from
7 9 a chemical substance or a hospital detaining a person due to a
7 10 serious mental impairment, fails to notify a law enforcement
7 11 agency about the discharge of a person who is to be arrested
7 12 upon discharge, the facility or hospital shall be in violation
7 13 of the bill and subject to a civil penalty. The bill assesses
7 14 a \$500 civil penalty for a first violation and a \$1,000 civil
7 15 penalty for a second or subsequent violation.
7 16 Code section 602.8108 governs the distribution of fines and
7 17 fees collected by the clerk of the district court.

LSB 5010SS (7) 83

jm/rj



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Senate File 2051 - Introduced

SENATE FILE

BY BLACK, DEARDEN, HATCH, KETTERING,
BEHN, NOBLE, McCOY, WIECK, BARTZ,
and DANDEKAR

(COMPANION TO LSB 5380HH BY
REICHERT)

A BILL FOR

- 1 An Act relating to the installation of certain fire suppression
- 2 systems in residential construction and including effective
- 3 date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5380XS (8) 83
md/sc



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Senate File 2051 - Introduced continued

PAG LIN

1 1 Section 1. Section 100.35, Code 2009, is amended to read as
1 2 follows:

1 3 100.35 Rules of marshal.

1 4 1. The fire marshal shall adopt, and may amend rules
1 5 under chapter 17A, which include standards relating to exits
1 6 and exit lights, fire escapes, fire protection, fire safety
1 7 and the elimination of fire hazards, in and for churches,
1 8 schools, hotels, theaters, amphitheaters, hospitals, health
1 9 care facilities as defined in section 135C.1, boarding homes
1 10 or housing, rest homes, dormitories, college buildings, lodge
1 11 halls, club rooms, public meeting places, places of amusement,
1 12 apartment buildings, food establishments as defined in section
1 13 137F.1, and all other buildings or structures in which persons
1 14 congregate from time to time, whether publicly or privately
1 15 owned. Violation of a rule adopted by the fire marshal is a
1 16 simple misdemeanor. However, upon proof that the fire marshal
1 17 gave written notice to the defendant of the violation, and
1 18 proof that the violation constituted a clear and present danger
1 19 to life, and proof that the defendant failed to eliminate the
1 20 condition giving rise to the violation within thirty days after
1 21 receipt of notice from the fire marshal, the penalty is that
1 22 provided by law for a serious misdemeanor. Each day of the
1 23 continuing violation of a rule after conviction of a violation
1 24 of the rule is a separate offense. A conviction is subject to
1 25 appeal as in other criminal cases.

1 26 2. Rules by the fire marshal affecting the construction
1 27 of new buildings, additions to buildings or rehabilitation of
1 28 existing buildings and related to fire protection, shall be
1 29 substantially in accord with the provisions of the nationally
1 30 recognized building and related codes adopted as the state
1 31 building code pursuant to section 103A.7 or with codes adopted
1 32 by a local subdivision which are in substantial accord with the
1 33 codes comprising the state building code. The rules adopted
1 34 by the fire marshal shall not require the installation of fire
1 35 sprinklers or a related fire suppression system in a one-family



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2 1 or two-family residential dwelling or a residential building
2 2 that contains no more than four dwelling units.
2 3 3. The rules adopted by the state fire marshal under
2 4 this section shall provide standards for fire resistance of
2 5 cellulose insulation sold or used in this state, whether for
2 6 public or private use. The rules shall provide for approval of
2 7 the cellulose insulation by at least one nationally recognized
2 8 independent testing laboratory.
2 9 Sec. 2. Section 103A.7, subsection 2, paragraph d, Code
2 10 Supplement 2009, is amended to read as follows:
2 11 d. Protection of the health, safety, and welfare of
2 12 occupants and users. The rules adopted by the state building
2 13 code commissioner shall not require the installation of fire
2 14 sprinklers or a related fire suppression system in a one-family
2 15 or two-family residential dwelling or a residential building
2 16 that contains no more than four dwelling units.
2 17 Sec. 3. Section 331.304, subsection 3, Code 2009, is amended
2 18 by adding the following new paragraph:
2 19 NEW PARAGRAPH. c. A county building code shall not
2 20 require the installation of fire sprinklers or a related fire
2 21 suppression system in a one-family or two-family residential
2 22 dwelling or a residential building that contains no more than
2 23 four dwelling units.
2 24 Sec. 4. Section 364.17, Code Supplement 2009, is amended by
2 25 adding the following new subsection:
2 26 NEW SUBSECTION. 8. A building or housing code adopted by a
2 27 city shall not require the installation of fire sprinklers or a
2 28 related fire suppression system in a one-family or two-family
2 29 residential dwelling or a residential building that contains no
2 30 more than four dwelling units.
2 31 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 32 immediate importance, takes effect upon enactment.
2 33 EXPLANATION
2 34 This bill provides that the state building code or a
2 35 building code adopted by a city or county shall not require the



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Senate File 2051 - Introduced continued

3 1 installation of fire sprinklers or a related fire suppression
3 2 system in a one-family or two-family residential dwelling or a
3 3 residential building that contains no more than four dwelling
3 4 units.
3 5 The bill takes effect upon enactment.
LSB 5380XS (8) 83
md/sc



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Senate File 2052 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act providing for exemptions related to the solemnization
2 or validity of a marriage based on sincerely held religious
3 beliefs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5066XS (4) 83
pf/rj



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Senate File 2052 - Introduced continued

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1 1 Section 1. NEW SECTION. 595.21 Exemptions related to
1 2 solemnization or recognition of the validity of a marriage.
1 3 1. An individual, religious or denominational organization,
1 4 or a charitable or educational organization operated,
1 5 supervised, or controlled by or connected with a religious or
1 6 denominational organization, shall not be liable, penalized, or
1 7 denied benefits under the laws of this state or any political
1 8 subdivision of this state, including but not limited to
1 9 laws regarding employment discrimination, housing, public
1 10 accommodations, licensing, government contracts or grants, or
1 11 tax-exempt status, for refusing to solemnize any marriage,
1 12 for refusing to provide services, accommodations, advantages,
1 13 facilities, goods, or privileges related to the solemnization
1 14 of any marriage, or for refusing to treat as valid any
1 15 marriage, if such providing, solemnizing, or treating as valid
1 16 would cause such individual or organization to violate the
1 17 sincerely held religious beliefs of the individual or to which
1 18 the organization subscribes.
1 19 2. The exemptions provided pursuant to subsection 1 shall
1 20 not apply if either of the following conditions exists:
1 21 a. A government employee shall not refuse to assist in the
1 22 solemnization of any marriage under this section if another
1 23 government employee is not available and willing to so assist.
1 24 b. A refusal to provide services, accommodations,
1 25 advantages, facilities, goods, or privileges related to the
1 26 solemnization of any marriage shall not be protected under
1 27 this section if a party to the marriage is unable to obtain
1 28 any similar services, accommodations, advantages, facilities,
1 29 goods, or privileges elsewhere, and such inability to obtain
1 30 such similar services, accommodations, advantages, facilities,
1 31 goods, or privileges elsewhere constitutes a substantial
1 32 hardship.

1 33

EXPLANATION

1 34 This bill provides exemptions to certain individuals and
1 35 organizations related to solemnization and recognition of the



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Senate File 2052 - Introduced continued

2 1 validity of marriages.
2 2 The bill provides that an individual, religious or
2 3 denominational organization, or a charitable or educational
2 4 organization operated, supervised, or controlled by or
2 5 connected with a religious or denominational organization,
2 6 shall not be liable, penalized, or denied benefits under
2 7 the laws of this state or any political subdivision of this
2 8 state, including but not limited to laws regarding employment
2 9 discrimination, housing, public accommodations, licensing,
2 10 government contracts or grants, or tax-exempt status, for
2 11 refusing to solemnize any marriage, for refusing to provide
2 12 services, accommodations, advantages, facilities, goods, or
2 13 privileges related to the solemnization of any marriage, or for
2 14 refusing to treat as valid any marriage, if such providing,
2 15 solemnizing, or treating as valid would cause such individual
2 16 or organization to violate the sincerely held religious beliefs
2 17 of the individual or to which the organization subscribes.
2 18 However, the exemptions do not apply; or in the case in which
2 19 a government employee refuses to assist in the solemnization
2 20 of a marriage, if another government employee is not available
2 21 and willing to so assist if the refusal to provide services,
2 22 accommodations, advantages, facilities, goods, or privileges
2 23 related to the solemnization of any marriage results in a party
2 24 to the marriage being unable to obtain any similar services,
2 25 accommodations, advantages, facilities, goods, or privileges
2 26 elsewhere, and this constitutes a substantial hardship.

LSB 5066XS (4) 83

pf/rj



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Senate File 2053 - Introduced

SENATE FILE
BY HATCH

A BILL FOR

1 An Act relating to drug product selection relative to
2 antiepileptic drugs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5273SS (3) 83
pf/nh



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Senate File 2053 - Introduced continued

PAG LIN

1 1 Section 1. Section 155A.32, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 2A. The pharmacist shall not exercise
1 4 the drug product selection described in this section for
1 5 an antiepileptic drug or formulation of an antiepileptic
1 6 drug, whether brand name or generic name, prescribed for
1 7 the treatment of seizures including epilepsy, without prior
1 8 notification of and receipt of the signed informed consent for
1 9 that selection from both the authorized prescriber and the
1 10 patient or the patient's representative.

1 11 EXPLANATION

1 12 This bill provides an exception to authorization of drug
1 13 product selection by pharmacists by prohibiting such drug
1 14 product selection for an antiepileptic drug or formulation of
1 15 an antiepileptic drug, whether brand name or generic name,
1 16 prescribed for the treatment of seizures including epilepsy,
1 17 unless the pharmacist first provides notification of and
1 18 receives signed informed consent for that selection from both
1 19 the authorized prescriber and the patient or the patient's
1 20 representative.

LSB 5273SS (3) 83

pf/nh



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Senate File 2054 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act relating to the disposal and composting of organic
2 waste.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5663XS (2) 83
tm/nh



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Senate File 2054 - Introduced continued

PAG LIN

1 1 Section 1. Section 455D.9, Code 2009, is amended to read as
1 2 follows:

1 3 455D.9 Land disposal of yard waste and organic waste ==
1 4 prohibited.

1 5 1. ~~Beginning January 1, 1991, land~~ Land disposal of
1 6 yard waste and organic waste as defined by the department
1 7 is prohibited. However, yard waste and organic waste which
1 8 has been separated at its source from other solid waste may
1 9 be accepted by a sanitary landfill for the purposes of soil
1 10 conditioning or composting.

1 11 2. The department shall assist local communities in the
1 12 development of collection systems for yard waste and organic
1 13 waste generated from residences and shall assist in the
1 14 establishment of local composting facilities. Within one
1 15 hundred twenty days of the adoption of rules by the department
1 16 regarding yard waste and organic waste, each city and county
1 17 shall, by ordinance, require persons within the city or county
1 18 to separate yard waste and organic waste from other solid waste
1 19 generated. Municipalities which provide a collection system
1 20 for solid waste shall provide for a collection system for yard
1 21 waste and organic waste which is not composted.

1 22 3. The department shall develop rules which define yard
1 23 waste and organic waste and provide for the safe and proper
1 24 method of composting. The rules adopted for a composting
1 25 facility to be located on property owned by an applicant for
1 26 a permit prior to July 1, 1992, when the property is located
1 27 within twenty miles of a metropolitan area of two hundred fifty
1 28 thousand or more, shall require that prior to the issuance
1 29 of a permit for a composting facility, the applicant shall
1 30 submit an economic impact statement to the department. For the
1 31 purpose of this subsection, "economic impact statement" means an
1 32 estimate of the economic impact of the siting of a composting
1 33 facility at a specific location on affected property owners.

1 34 4. State and local agencies responsible for the maintenance
1 35 of public lands in the state shall give preference to the use



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2 1 of composted materials in all land maintenance activities.

2 2 5. This section does not prohibit the use of yard waste or
2 3 organic waste as land cover or as soil conditioning material.

2 4 6. This section prohibits the incineration of yard waste and
2 5 organic waste at a sanitary disposal project.

2 6 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 7 3, shall not apply to this Act.

2 8 EXPLANATION

2 9 This bill relates to the disposal and composting of organic
2 10 waste.

2 11 The bill prohibits the land disposal of organic waste, as
2 12 defined by the department of natural resources, and allows
2 13 such waste which has been separated at its source from other
2 14 solid waste to be accepted by a sanitary landfill for soil
2 15 conditioning or composting purposes. The bill requires the
2 16 department to assist local communities in the development of
2 17 collection systems for organic waste generated from residences
2 18 and assist in the establishment of local composting facilities.
2 19 The bill requires the department to adopt rules which define
2 20 organic waste and provide for the safe and proper method of
2 21 composting. The bill does not prohibit the use of organic
2 22 waste as land cover or as soil conditioning material. The
2 23 bill prohibits the incineration of organic waste at a sanitary
2 24 disposal project.

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

LSB 5663XS (2) 83

tm/nh



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Senate Joint Resolution 2001 - Introduced

SENATE JOINT RESOLUTION

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

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa specifying marriage between one man
3 and one woman as the only legal union that is valid or
4 recognized in the state.
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5005SS (10) 83
pf/rj



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Senate Joint Resolution 2001 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Article I of the Constitution of the State of Iowa is amended
1 4 by adding the following new section:

1 5 Marriage.SEC. 26. Marriage between one man and one woman
1 6 shall be the only legal union valid or recognized in this
1 7 state.

1 8 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment
1 9 to the Constitution of the State of Iowa is referred to the
1 10 General Assembly to be chosen at the next general election
1 11 for members of the General Assembly, and the Secretary of
1 12 State is directed to cause the same to be published for three
1 13 consecutive months previous to the date of that election as
1 14 provided by law.

1 15 EXPLANATION

1 16 This joint resolution proposes an amendment to the
1 17 Constitution of the State of Iowa specifying that marriage
1 18 between one man and one woman shall be the only legal union
1 19 valid or recognized in this state.

1 20 The joint resolution, if adopted, would be referred to the
1 21 next general assembly for adoption a second time before being
1 22 submitted to the electorate for ratification.

LSB 5005SS (10) 83

pf/rj



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Senate Study Bill 3066

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

A BILL FOR

1 An Act relating to the licensure of persons engaged in fire
2 protection system installation, maintenance, repair,
3 service, or inspection.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5421DP (5) 83
jr/rj



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Senate Study Bill 3066 continued

PAG LIN

1 1 Section 1. Section 100C.6, subsection 4, Code Supplement
1 2 2009, is amended to read as follows:
1 3 4. Relieve any person engaged in fire ~~sprinkler~~ protection
1 4 system installation, maintenance, repair, service, or
1 5 inspection as defined in section 100D.1 from obtaining a fire
1 6 ~~sprinkler~~ protection system installer and maintenance worker
1 7 license as required pursuant to chapter 100D.

1 8 Sec. 2. Section 100D.1, subsections 1, 5, and 8, Code
1 9 Supplement 2009, are amended to read as follows:

1 10 1. "Apprentice ~~sprinkler fitter~~" fire protection system
1 11 installer and maintenance worker" means a person who is
1 12 registered in an apprenticeship program approved by the
1 13 United States department of labor who is engaged in learning
1 14 the fire protection system industry trade under the direct
1 15 supervision of a responsible managing employee of a certified
1 16 fire extinguishing system contractor or licensed fire
1 17 sprinkler protection system installer and maintenance worker
1 18 ~~and who is registered with the United States department of~~
1 19 ~~labor, office of apprenticeship other than a trainee.~~

1 20 5. "Fire protection system" means a sprinkler, standpipe,
1 21 hose system, special hazard system, dry systems, foam systems,
1 22 or any water-based fire protection system, ~~either~~ whether
1 23 engineered or pre-engineered and whether manual or
1 24 automatically activated, used for fire protection purposes
1 25 ~~that is composed of which may include an integrated system of~~
1 26 underground and overhead piping and which may be connected to
1 27 a water source. For licensing purposes only "fire protection
1 28 system" does not include the water service piping to a structure
1 29 or building from a city water main.

1 30 8. "Fire ~~sprinkler~~ protection system installer and
1 31 maintenance worker" means a person who, having the necessary
1 32 qualifications, training, experience, and technical knowledge,
1 33 conducts fire protection system installation and maintenance,
1 34 and who is licensed by the department.



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Senate Study Bill 3066 continued

2 1 Sec. 3. Section 100D.1, Code Supplement 2009, is amended by
2 2 adding the following new subsections:

2 3 NEW SUBSECTION. 9. "Responsible managing employee" means
2 4 an owner, partner, officer, or manager employed full-time
2 5 by a fire extinguishing system contractor who is certified
2 6 by the national institute for certification in engineering
2 7 technologies at a level three in fire protection technology,
2 8 automatic sprinkler system layout, or another certification in
2 9 automatic sprinkler system layout recognized by rules adopted
2 10 by the fire marshal pursuant to section 100C.7 or who meets any
2 11 other criteria established by rule.

2 12 NEW SUBSECTION. 10. "Trainee" means a person who is engaged
2 13 in learning the fire protection system industry trade under
2 14 the direct supervision of a responsible managing employee of a
2 15 certified fire extinguishing system contractor or licensed fire
2 16 protection system installer and maintenance worker and who is
2 17 not registered with the United States department of labor.

2 18 Sec. 4. Section 100D.2, subsections 1 and 2, Code Supplement
2 19 2009, are amended to read as follows:

2 20 1. On or after January 1, 2010, a person shall not perform
2 21 fire protection system installations or fire protection
2 22 system maintenance without holding a current, valid fire
2 23 ~~sprinkler~~ protection system installer and maintenance worker
2 24 license issued pursuant to this chapter, with the following
2 25 exceptions:

2 26 a. An employee of a fire extinguishing system contractor
2 27 working as an apprentice ~~sprinkler fitter~~ fire protection
2 28 system installer and maintenance worker performing fire
2 29 protection system installation or maintenance under the
2 30 direct supervision of an on-site responsible managing employee
2 31 or licensed fire ~~sprinkler~~ protection system installer and
2 32 maintenance worker is not required to hold a current, valid
2 33 fire ~~sprinkler~~ protection system installer and maintenance
2 34 worker license.

2 35 b. ~~A person who installs or demolishes walls, ceilings,~~



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~~Senate Study Bill 3066 continued~~

~~3 1 flooring, insulation, or associated materials or a person who
3 2 demolishes ~~sprinkler pipe~~ fire protection system components is
3 3 not subject to the provisions of this chapter ~~except~~ when the
3 4 work involves a complete sprinkler system. A person is not
3 5 required to be licensed in order to demolish part of a system
3 6 or a partial system, provided that the system is taken out of
3 7 service. If a system is restored to service after having been
3 8 taken out of service, the restoration work must be performed
3 9 by a person licensed pursuant to this chapter or a responsible
3 10 managing employee.~~

~~3 11 c. A person who is a responsible managing employee of a
3 12 fire extinguishing system contractor is not required to hold a
3 13 current, valid fire ~~sprinkler~~ protection system installer and
3 14 maintenance worker license, in order to perform fire protection
3 15 system installations or maintenance.~~

~~3 16 d. A trainee who works at all times under the direct
3 17 supervision of a licensed fire protection system installer and
3 18 maintenance worker, other than an unclassified person, may
3 19 be licensed to work on either special hazard fire protection
3 20 systems, pre-engineered fire protection systems, or both, but
3 21 shall not be licensed to perform installation or maintenance on
3 22 an engineered water-based fire protection system. A trainee
3 23 license may be renewed once and a person may work as a trainee
3 24 for a maximum of four years.~~

~~3 25 2. A licensed fire ~~sprinkler~~ protection system installer
3 26 and maintenance worker must be present at all locations
3 27 and at all times when fire protection system installation
3 28 work is being performed. At least one licensed fire
3 29 ~~sprinkler~~ protection system installer and maintenance
3 30 worker must be present for every three apprentice ~~sprinkler~~
3 31 ~~fitters~~ fire protection system installers and maintenance
3 32 workers or trainees performing work related to fire protection
3 33 system installation.~~

~~3 34 Sec. 5. Section 100D.2, subsection 6, Code Supplement 2009,
3 35 is amended by striking the subsection.~~



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4 1 Sec. 6. Section 100D.3, Code Supplement 2009, is amended to
4 2 read as follows:

4 3 100D.3 Fire ~~sprinkler~~ protection system installer and
4 4 maintenance worker license.

4 5 1. The state fire marshal shall issue a fire ~~sprinkler~~
4 6 protection system installer and maintenance worker license to
4 7 an applicant who meets all of the following requirements:

4 8 ~~a. Possesses a minimum of four years of employment~~
4 9 ~~experience as an apprentice sprinkler fitter.~~

4 10 ~~b. a. Has completed a United States department of~~
4 11 ~~labor fire protection apprenticeship program approved by the~~
4 12 ~~United States department of labor, or has completed two years~~
4 13 ~~of full-time employment or the equivalent thereof as a trainee.~~

4 14 ~~e. b. Is employed by a fire extinguishing system~~
4 15 ~~contractor. However, an applicant whose work on extinguishing~~
4 16 ~~systems will be restricted to systems on property owned or~~
4 17 ~~controlled by the applicant's employer may obtain a license if~~
4 18 ~~the employer is not a certified contractor.~~

4 19 ~~d. c. Has received a passing score on the national~~
4 20 ~~inspection, testing, and certification star fire sprinkler~~
4 21 ~~mastery exam or on an equivalent exam from a nationally~~
4 22 ~~recognized third-party testing agency that is approved by~~
4 23 ~~the state fire marshal, or is certified at level one by~~
4 24 ~~the national institute for certification in engineering~~
4 25 ~~technologies based on general work elements, as defined~~
4 26 ~~by the national institute for certification in engineering~~
4 27 ~~technologies, and as specified by rule by the state fire~~
4 28 ~~marshal, or is certified by another entity approved by the fire~~
4 29 ~~marshal.~~

4 30 2. The holder of a fire ~~sprinkler~~ protection system
4 31 installer and maintenance worker license shall be responsible
4 32 for license fees, renewal fees, and continuing education hours.

4 33 3. The license of a fire ~~sprinkler~~ protection system
4 34 installer and maintenance worker licensee who ceases to be
4 35 employed by a fire extinguishing system contractor shall



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5 1 continue to be valid until it would otherwise expire, but the
5 2 licensee shall not perform work requiring licensure under
5 3 this chapter until the licensee is again employed by a fire
5 4 extinguishing system contractor. If the licensee becomes
5 5 employed by a fire extinguishing system contractor other than
5 6 the contractor which employed the licensee at the time the
5 7 license was issued, the licensee shall notify the fire marshal
5 8 and shall apply for an amendment to the license. The fire
5 9 marshal may establish by rule a fee for amending a license.
5 10 This subsection shall not extend the time period during which a
5 11 license is valid. This subsection does not apply to a licensee
5 12 whose work on extinguishing systems is restricted to systems on
5 13 property owned or controlled by the licensee's employer.
5 14 4. The fire marshal, by rule, may restrict the scope of work
5 15 authorized by a license.

5 16 Sec. 7. Section 100D.4, subsections 1 and 2, Code Supplement
5 17 2009, are amended to read as follows:

5 18 1. An applicant for a fire ~~sprinkler~~ protection
5 19 system installer and maintenance worker license or renewal of
5 20 an active license shall provide evidence of a public liability
5 21 insurance policy and surety bond in an amount determined
5 22 sufficient by the fire marshal by rule.

5 23 2. If the applicant is engaged in fire ~~sprinkler~~ protection
5 24 system installer and maintenance worker work individually
5 25 through a business conducted as a sole proprietorship, the
5 26 applicant shall personally obtain the insurance and surety
5 27 bond required by this section. If the applicant is engaged in
5 28 the fire ~~sprinkler~~ protection system installer and maintenance
5 29 worker business as an employee or owner of a legal entity,
5 30 then the insurance and surety bond required by this section
5 31 shall be obtained by the entity and shall cover all fire
5 32 ~~sprinkler~~ protection system installer and maintenance worker
5 33 work performed by the entity.

5 34 Sec. 8. Section 100D.5, subsection 1, Code Supplement 2009,
5 35 is amended to read as follows:



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6 1 1. ~~Adopt~~ After consultation with the fire extinguishing
6 2 system contractors and alarm systems advisory board established
6 3 pursuant to section 100C.10, adopt rules pursuant to chapter
6 4 17A necessary for the administration and enforcement of this
6 5 chapter.
6 6 Sec. 9. Section 100D.8, Code Supplement 2009, is amended to
6 7 read as follows:
6 8 100D.8 Provisional licensure.
6 9 1. An applicant for licensure under this chapter as a fire
6 10 ~~sprinkler~~ protection system installer and maintenance worker
6 11 who possesses a minimum of four years of experience as an
6 12 apprentice ~~sprinkler fitter~~ fire protection system installer
6 13 and maintenance worker and who has not successfully passed the
6 14 licensure examination or achieved certification as required
6 15 pursuant to section 100D.3 by January 1, 2010, shall be issued
6 16 a license as a fire ~~sprinkler~~ protection system installer and
6 17 maintenance worker for a period ending no later than ~~June~~
6 18 ~~30 December 31, 2010.~~ A provisional license shall be granted
6 19 upon presentation of satisfactory evidence to the fire marshal
6 20 demonstrating experience and competency in conducting fire
6 21 protection system installations and fire protection system
6 22 maintenance according to criteria to be determined by the fire
6 23 marshal in rule.
6 24 2. An applicant issued a provisional license pursuant
6 25 to this section shall pass the licensure examination or
6 26 achieve certification on or before ~~June 30 December 31, 2010,~~
6 27 in order to remain licensed as a fire ~~sprinkler~~ protection
6 28 system installer and maintenance worker. A provisional license
6 29 fee shall be established by the fire marshal by rule. No
6 30 provisional licenses shall be issued after ~~April~~ July 1, 2010.
6 31 Sec. 10. Section 100D.9, subsection 1, Code Supplement
6 32 2009, is amended to read as follows:
6 33 1. An applicant for licensure under this chapter, who
6 34 is employed as a fire ~~sprinkler~~ protection system installer
6 35 and maintenance worker as of July 1, 2008, shall be issued



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7 1 a license upon presentation of satisfactory evidence to the
7 2 department of at least eight thousand five hundred hours of
7 3 experience as a fire ~~sprinkler~~ protection system installer and
7 4 maintenance worker and one of the following:

7 5 a. Presentation of a certificate of completion of a ~~United~~
~~7 6 States department of labor, office of apprenticeship, four-year~~
7 7 or five-year protection system apprenticeship program, approved
7 8 by the United States department of labor.

7 9 b. A passing score on the national inspection, testing and
7 10 certification star fire sprinkler mastery exam or an equivalent
7 11 exam from a nationally recognized third-party testing agency
7 12 that is approved by the state fire marshal.

7 13 c. Certification, ~~based upon general work elements,~~
~~7 14 as defined by the national institute for certification in~~
~~7 15 engineering technologies, at level I by the national institute~~
7 16 for certification in engineering technologies, ~~and or another~~
7 17 entity as specified by rule by the state fire marshal.

7 18 Sec. 11. Section 100D.10, Code Supplement 2009, is amended
7 19 to read as follows:

7 20 100D.10 Reciprocal licenses.

7 21 To the extent that another state provides for the licensing
7 22 of fire ~~sprinkler~~ protection system installers and maintenance
7 23 workers or similar action, the state fire marshal may issue
7 24 a fire ~~sprinkler~~ protection system installer and maintenance
7 25 worker license, without examination, to a nonresident fire
7 26 ~~sprinkler~~ protection system installer and maintenance worker
7 27 who has been licensed by such other state for at least three
7 28 years provided such other state grants the same reciprocal
7 29 licensing privileges to residents of Iowa who have obtained
7 30 a fire ~~sprinkler~~ protection system installer and maintenance
7 31 worker license upon payment by the applicant of the required
7 32 fee and upon furnishing proof that the qualifications of the
7 33 applicant are equal to the qualifications of holders of similar
7 34 licenses in this state.



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8 1 Sec. 12. Section 100D.11, subsection 2, Code Supplement
8 2 2009, is amended to read as follows:

8 3 2. The provisions of this chapter shall not be construed
8 4 to apply to a person employed full time as a custodian for a
8 5 school corporation, hospital, or public facility, who performs
8 6 fire ~~sprinkler~~ protection system maintenance work involving
8 7 no more than one sprinkler head ~~or nozzle~~, provided that the
8 8 person performs work on only one sprinkler head in a building
8 9 within a given day.

8 10 Sec. 13. Section 100D.13, subsection 1, unnumbered
8 11 paragraph 1, Code Supplement 2009, is amended to read as
8 12 follows:

8 13 The state fire marshal may issue a temporary fire
8 14 ~~sprinkler~~ protection system installer and maintenance worker
8 15 license to a person, providing that all of the following
8 16 conditions are met:

8 17 Sec. 14. Section 100D.13, subsection 1, paragraphs a and e,
8 18 Code Supplement 2009, are amended to read as follows:

8 19 a. The person is currently licensed or certified to perform
8 20 work as a fire ~~sprinkler~~ protection system installer and
8 21 maintenance worker in another state.

8 22 e. The person intends to perform work as a fire
8 23 ~~sprinkler~~ protection system installer and maintenance worker
8 24 only in areas of this state which are covered by a disaster
8 25 emergency declaration issued by the governor pursuant to
8 26 section 29C.6.

8 27 Sec. 15. Section 272C.1, subsection 6, paragraph af, Code
8 28 Supplement 2009, is amended to read as follows:

8 29 af. The department of public safety, in licensing fire
8 30 ~~sprinkler~~ protection system installers and maintenance workers
8 31 pursuant to chapter 100D.

8 32 EXPLANATION

8 33 Under current law, persons who perform fire protection
8 34 system installation or fire protection system maintenance must
8 35 be licensed as a fire sprinkler installer and maintenance



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9 1 worker. This bill changes that designation to fire protection
9 2 system installer and maintenance worker.
9 3 The bill also revises apprenticeship requirements for
9 4 trainees. The bill eliminates references to a four-year
9 5 apprenticeship and instead requires completion of a fire
9 6 protection apprenticeship program approved by the United States
9 7 department of labor, or completion of two years of full-time
9 8 employment as a trainee. Under the bill the fire marshal, by
9 9 rule, may restrict the scope of work authorized by a license.
9 10 The bill eliminates a current provision which allows a
9 11 governmental subdivision that administers an inspection program
9 12 relating to the installation of a fire protection system on
9 13 July 31, 2009, to continue that inspection program.
9 14 The bill provides that persons who demolish part of a system
9 15 do not need to be licensed, if the system is taken out of
9 16 service. The bill also allows a company manager to supervise
9 17 the work of an apprentice or to perform system restoration
9 18 work, if the manager is certified in fire protection
9 19 technology.
9 20 The bill extends the period for temporary licensure, pending
9 21 passage of the examination, from June 30, 2010, to December 31,
9 22 2010.

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Senate Study Bill 3067

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

A BILL FOR

1 An Act governing residential electrical installations, and
2 establishing a fee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5423DP (4) 83
rn/rj



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1 1 Section 1. Section 103.1, Code Supplement 2009, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 12A. "Residential electrical contractor"
1 4 means a person affiliated with an electrical contracting firm
1 5 or business who is, or who employs a person who is, licensed by
1 6 the board as a residential master electrician and who is also
1 7 registered with the state of Iowa as a contractor pursuant to
1 8 chapter 91C.

1 9 Sec. 2. Section 103.1, subsection 13, Code Supplement 2009,
1 10 is amended to read as follows:

1 11 13. "Residential electrician" means a person having the
1 12 necessary qualifications, training, experience, and technical
1 13 knowledge to perform a residential installation and to
1 14 supervise apprentice electricians.

1 15 Sec. 3. Section 103.1, subsection 15, Code Supplement 2009,
1 16 is amended to read as follows:

1 17 15. "Residential master electrician" means a person having
1 18 the necessary qualifications, training, experience, and
1 19 technical knowledge to properly plan, lay out, and supervise
1 20 the performance of a residential installation and who is
1 21 licensed by the board.

1 22 Sec. 4. Section 103.6, subsection 1, paragraph b,
1 23 subparagraph (2), Code 2009, is amended to read as follows:

1 24 (2) Is an electrical contractor or a residential electrical
1 25 contractor and fails or refuses to provide and keep in force a
1 26 public liability insurance policy and surety bond as required
1 27 by the board.

1 28 Sec. 5. Section 103.8, Code 2009, is amended to read as
1 29 follows:

1 30 103.8 Activities where license required == exceptions.

1 31 1. No person, except a person licensed as an electrical
1 32 contractor or a residential electrical contractor, shall engage
1 33 in the business of providing new electrical installations or
1 34 any other electrical services regulated under this chapter.

1 35 2. Except as provided in sections 103.13 and 103.14,



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2 1 no person shall, for another, plan, lay out, or supervise
2 2 the installation of wiring, apparatus, or equipment for
2 3 electrical light, heat, power, and other purposes unless the
2 4 person is licensed by the board as an electrical contractor,
2 5 a residential electrical contractor, a class A master
2 6 electrician, ~~or~~ a class B master electrician, or a residential
2 7 master electrician.

2 8 Sec. 6. Section 103.11, Code 2009, is amended to read as
2 9 follows:

2 10 103.11 Wiring or installing == supervising apprentices ==
2 11 license required == qualifications.

2 12 Except as provided in section 103.13, ~~no~~ a person shall
2 13 not, for another, wire for or install electrical wiring,
2 14 apparatus, or equipment, or supervise an apprentice electrician
2 15 or unclassified person, unless the person is licensed by the
2 16 board as an electrical contractor or residential electrical
2 17 contractor, a class A master electrician, ~~or~~ a class B master
2 18 electrician, ~~or is licensed as~~ a class A journeyman electrician
2 19 or a class B journeyman electrician, or a residential master
2 20 electrician or a residential electrician, and is employed
2 21 by an electrical contractor or a residential electrical
2 22 contractor, or is working under the supervision of a class
2 23 A master electrician, ~~or~~ a class B master electrician, or a
2 24 residential master electrician.

2 25 Sec. 7. Section 103.12A, Code Supplement 2009, is amended
2 26 to read as follows:

2 27 103.12A Residential ~~electrician and residential master~~
~~electrician license installations == licenses == qualifications.~~

2 29 1. The board may by rule provide for the issuance of a
2 30 residential electrician license, ~~and may by rule provide for~~
~~the issuance of a residential master electrician license, and a~~
2 32 residential electrical contractor license.

2 33 a. A ~~residential electrician license or residential~~
~~master electrician license~~ provided for in subsection 1, if
2 35 established by the board, shall be issued to applicants who



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3 1 meet qualifications determined by the board, and shall be valid
3 2 for the performance of residential installations, subject to
3 3 limitations or restrictions established by the board.

3 4 b. A person who, on or after July 1, 2009, holds a special
3 5 electrician license authorizing residential electrical
3 6 installation, granted pursuant to section 103.13, shall be
3 7 eligible for conversion of that special license to either
3 8 a residential electrician license or a residential master
3 9 electrician license, if established by the board, in accordance
3 10 with requirements and procedures established by the board.

3 11 2. A person licensed by the board as a class A journeyman
3 12 electrician or a class B journeyman electrician, or as a class
3 13 A master electrician or a class B master electrician, shall not
3 14 be required to hold a residential electrician or residential
3 15 master electrician license to perform any type of residential
3 16 installation authorized for a person licensed pursuant to this
3 17 section.

3 18 3. A person licensed by the board as an electrical
3 19 contractor shall not be required to hold a residential
3 20 electrical contractor license to perform any type of
3 21 residential installation authorized for a person licensed
3 22 pursuant to this section.

3 23 ~~3.~~ 4. The board may reject an application for licensure
3 24 under this section from an applicant who would be subject
3 25 to suspension, revocation, or reprimand pursuant to section
3 26 103.35.

3 27 Sec. 8. Section 103.13, subsection 2, Code Supplement 2009,
3 28 is amended to read as follows:

3 29 2. Notwithstanding section 103.8, a person who holds a
3 30 special electrician license is not required to obtain an
3 31 electrical contractor license or a residential electrical
3 32 contractor license to engage in the business of providing new
3 33 electrical installations or any other electrical services if
3 34 such installations or services fall within the limited class of
3 35 special electrical work for which the person holds the special



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4 1 electrician license.

4 2 Sec. 9. Section 103.15, subsection 1, Code Supplement 2009,
4 3 is amended to read as follows:

4 4 1. A person shall be licensed by the board and pay a
4 5 licensing fee to work as an apprentice electrician while
4 6 participating in an apprenticeship training program registered
4 7 by the bureau of apprenticeship and training of the United
4 8 States department of labor in accordance with the standards
4 9 established by that department. An apprenticeship shall
4 10 be limited to six years from the date of licensure, unless
4 11 extended by the board upon a finding that a hardship existed
4 12 which prevented completion of the apprenticeship program. Such
4 13 licensure shall entitle the licensee to act as an apprentice
4 14 to an electrical contractor, a class A master electrician, a
4 15 class B master electrician, a class A journeyman electrician,
4 16 ~~or~~ a class B journeyman electrician, a residential electrical
4 17 contractor, a residential master electrician, or a residential
4 18 electrician as provided in subsection 3.

4 19 Sec. 10. Section 103.19, subsection 1, paragraph a,
4 20 subparagraph (1), Code Supplement 2009, is amended to read as
4 21 follows:

4 22 (1) Electrical contractor or residential electrical
4 23 contractor, one hundred twenty-five dollars.

4 24 Sec. 11. Section 103.20, subsection 2, Code 2009, is amended
4 25 to read as follows:

4 26 2. Upon the death of an electrical contractor, a class
4 27 A master electrician, ~~or~~ a class B master electrician, a
4 28 residential electrical contractor, or a residential master
4 29 electrician, the board may permit a representative to carry on
4 30 the business of the decedent for a period not to exceed six
4 31 months for the purpose of completing work under contract to
4 32 comply with this chapter. Such representative shall furnish
4 33 all public liability and property damage insurance required by
4 34 the board.



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5 1 Sec. 12. Section 103.33, subsection 3, Code Supplement
5 2 2009, is amended to read as follows:
5 3 3. Upon receipt of notice of appeal from a condemnation
5 4 or disconnection order because the electrical installation is
5 5 not in compliance with accepted standards of construction for
5 6 safety to health and property, except as provided in subsection
5 7 2, the order appealed from shall be stayed until final decision
5 8 of the board and the board shall notify the property owner and
5 9 the electrical contractor, class A master electrician, class B
5 10 master electrician, fire alarm installer, special electrician,
5 11 ~~or if established by the board the residential electrical~~
5 12 contractor, or residential master electrician, making the
5 13 installation. The power supplier shall also be notified in
5 14 those instances in which the order has been served on such
5 15 supplier.

5 16 Sec. 13. Section 103.39, subsection 1, paragraph b, Code
5 17 2009, is amended to read as follows:
5 18 b. Uses or employs the words "electrical contractor",
5 19 "class A master electrician", "class B master electrician",
5 20 "class A journeyman electrician", ~~or~~ "class B journeyman
5 21 electrician", "residential electrical contractor", "residential
5 22 master electrician", or "residential electrician", or implies
5 23 authorization to provide or offer those services, or otherwise
5 24 uses or advertises any title, word, figure, sign, card,
5 25 advertisement, or other symbol or description tending to convey
5 26 the impression that the person is an "electrical contractor",
5 27 "class A master electrician", "class B master electrician",
5 28 "class A journeyman electrician", ~~or~~ "class B journeyman
5 29 electrician", "residential electrical contractor", "residential
5 30 master electrician", or "residential electrician".

5 31 EXPLANATION
5 32 This bill adds a new licensure classification and modifies
5 33 requirements applicable to existing classifications with regard
5 34 to residential electrical installations authorized in Code
5 35 chapter 103.



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6 1 The bill establishes the new licensure classification of
6 2 residential electrical contractor, defined to mean a person
6 3 affiliated with an electrical contracting firm or business who
6 4 is, or who employs a person who is, licensed by the board as
6 5 a residential master electrician and who is also registered
6 6 with the state of Iowa as a contractor pursuant to Code
6 7 chapter 91C. The bill modifies the definition of a residential
6 8 electrician to authorize the supervision of apprentice
6 9 electricians; and clarifies with respect to the definitions of
6 10 both this definition and the definition of a residential master
6 11 electrician that such persons are licensed by the board, in
6 12 order to be consistent with the other licensure classification
6 13 definitions established in the Code chapter.

6 14 The bill makes changes to existing residential installation
6 15 provisions and other provisions in the Code chapter
6 16 consistent with the new licensure classification, and
6 17 adds each residential licensure classification to the
6 18 list of classifications authorized to supervise apprentice
6 19 electricians.

6 20 The bill prescribes a fee for the issuance and renewal of
6 21 a residential electrical contractor license. The bill also
6 22 applies the residential electrical installation licensure
6 23 classifications, as appropriate, to provisions regarding
6 24 continuation of business upon death, notification of appeal
6 25 from a condemnation or disconnection order, and applicable
6 26 civil penalties.

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Senate Study Bill 3068

SENATE/HOUSE FILE
BY (PROPOSED ETHICS AND CAMPAIGN
DISCLOSURE BOARD BILL)

A BILL FOR

1 An Act relating to campaign finance requirements and reporting.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5239DP (8) 83
jr/sc



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1 1 Section 1. Section 68A.102, subsection 18, unnumbered
1 2 paragraph 1, Code 2009, is amended to read as follows:
1 3 "Political committee" means ~~either~~ any of the following:
1 4 Sec. 2. Section 68A.102, subsection 18, Code 2009, is
1 5 amended by adding the following new paragraph:
1 6 NEW PARAGRAPH. c. A person, other than an individual,
1 7 that accepts contributions in excess of seven hundred fifty
1 8 dollars in the aggregate, makes expenditures in excess of seven
1 9 hundred fifty dollars in the aggregate, or incurs indebtedness
1 10 in excess of seven hundred fifty dollars in the aggregate in
1 11 any one calendar year to expressly advocate that an individual
1 12 should or should not seek election to a public office prior
1 13 to the individual becoming a candidate as defined in section
1 14 68A.102, subsection 4.
1 15 Sec. 3. Section 68A.202, subsection 2, Code 2009, is amended
1 16 to read as follows:
1 17 2. a. A political committee shall not be established to
1 18 expressly advocate the nomination, election, or defeat of only
1 19 one candidate for office. However, a political committee may
1 20 be established to expressly advocate the passage or defeat of
1 21 approval of a single judge standing for retention. A permanent
1 22 organization, as defined in section 68A.402, subsection 9, may
1 23 make a one-time contribution to only one candidate for office
1 24 in excess of seven hundred fifty dollars.
1 25 b. The prohibition in paragraph "a" does not apply to a
1 26 political committee described in section 68A.102, subsection
1 27 18, paragraph "c", until the individual becomes a candidate for
1 28 public office. A political committee organized to expressly
1 29 advocate that an individual should or should not seek election
1 30 to a public office prior to the individual becoming a candidate
1 31 for public office shall be dissolved when the individual
1 32 becomes a candidate for public office.
1 33 Sec. 4. Section 68A.304, Code 2009, is amended by adding the
1 34 following new subsection:
1 35 NEW SUBSECTION. 4. The board shall adopt rules pursuant to



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2 1 chapter 17A defining "fair market value" for purposes of this
2 2 section.

2 3 Sec. 5. Section 68A.402, subsection 3, Code Supplement
2 4 2009, is amended by adding the following new paragraph:
2 5 NEW PARAGRAPH. c. Only a candidate who is eligible to
2 6 participate in a runoff election is required to file a report
2 7 five days before the runoff election.

2 8 Sec. 6. Section 68A.402, subsection 9, Code Supplement
2 9 2009, is amended to read as follows:

2 10 9. Permanent organizations. A permanent organization
2 11 temporarily engaging in activity described in section 68A.102,
2 12 subsection 18, shall organize a political committee and
2 13 shall keep the funds relating to that political activity
2 14 segregated from its operating funds. The political committee
2 15 shall file reports on the appropriate due dates as required
2 16 by this section. The reports filed under this subsection
2 17 shall identify the source of the original funds used
2 18 for a contribution made to a candidate or a ~~candidate's~~
~~2 19 committee~~ committee organized under this chapter. When the
2 20 permanent organization ceases to be involved in the political
2 21 activity, the permanent organization shall dissolve the
2 22 political committee. As used in this subsection, "permanent
2 23 organization" means an organization that is continuing, stable,
2 24 and enduring, and was originally organized for purposes other
2 25 than engaging in election activities.

2 26 Sec. 7. Section 68A.405, subsection 2, paragraph b, Code
2 27 Supplement 2009, is amended to read as follows:

2 28 b. Small items upon which the inclusion of the statement
2 29 is impracticable including, but not limited to, campaign signs
2 30 as provided in section 68A.406, subsection 3, bumper stickers,
2 31 pins, buttons, pens, political business cards, and matchbooks.

2 32 Sec. 8. Section 68A.503, subsection 2, paragraph d, Code
2 33 Supplement 2009, is amended to read as follows:

2 34 d. The board shall adopt rules prohibiting the owner,
2 35 publisher, or editor of a sham newspaper from using the



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3 1 sham newspaper to promote in any way the candidacy of ~~such~~
~~3 2 a~~ any person for any public office. As used in this paragraph,
3 3 "sham newspaper" means a newspaper that does not meet the
3 4 requirements set forth in section 618.3 and "owner" means a
3 5 person having an ownership interest exceeding ten percent of
3 6 the equity or profits of the newspaper.

3 7 EXPLANATION

3 8 This bill makes a number of changes to Code chapter 68A
3 9 relating to campaign finance requirements and reporting.

3 10 The bill revises the definition of "political committee" to
3 11 include any corporation, government or governmental subdivision
3 12 or agency, business trust, estate, trust, partnership
3 13 or association, labor union, or any other legal entity
3 14 which accepts contributions, makes expenditures, or incurs
3 15 indebtedness in excess of \$750 in any one calendar year, to
3 16 expressly advocate that an individual should or should not seek
3 17 election to a public office prior to the individual becoming a
3 18 candidate.

3 19 Code section 68A.202, subsection 2, currently provides that
3 20 a PAC cannot expressly advocate the nomination, election, or
3 21 defeat of only one candidate for office, but a PAC may be
3 22 established to expressly advocate the passage or defeat of
3 23 approval of a single judge standing for retention. The bill
3 24 amends this section to apply the prohibition against advocacy
3 25 only to actual candidates for election as defined in Code
3 26 section 68A.102.

3 27 The bill provides the ethics and campaign finance disclosure
3 28 board with rulemaking authority to define the term "fair market
3 29 value" as that term relates to the disposition of campaign
3 30 property.

3 31 The bill provides that only a candidate actually
3 32 participating in a runoff election is required to file a report
3 33 five days before the runoff election.

3 34 Code section 68A.402 in part requires that permanent
3 35 organizations temporarily engaging in certain political



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4 1 activity shall organize a political committee. The bill
4 2 provides that contributions to any committee constitutes
4 3 political activity and must be reported.
4 4 Code section 68A.503 prohibits the owner, publisher, or
4 5 editor of a sham newspaper from using the sham newspaper to
4 6 promote that person's own candidacy for public office. The
4 7 bill extends that prohibition to include the candidacy of any
4 8 person.

LSB 5239DP (8) 83

jr/sc



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Senate Study Bill 3069

SENATE/HOUSE FILE

BY (RECOMMENDED BY PUBLIC RETIREMENT
SYSTEMS STUDY COMMITTEE)

A BILL FOR

1 An Act concerning public retirement systems, including the
2 public safety peace officers' retirement, accident, and
3 disability system, the Iowa public employees' retirement
4 system, and the statewide fire and police retirement system,
5 making appropriations, and including effective date and
6 retroactive applicability provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5346IC (12) 83

ec/sc



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1 1 DIVISION I
1 2 PUBLIC SAFETY peace officers' retirement,
1 3 accident, and disability system
1 4 Section 1. Section 80.8, Code 2009, is amended by adding the
1 5 following new subsection:
1 6 NEW SUBSECTION. 4. Should a peace officer become
1 7 incapacitated for duty as a natural and proximate result
1 8 of an injury, disease, or exposure incurred or aggravated
1 9 while in the actual performance of duty at some definite
1 10 time or place, the peace officer shall, upon being found to
1 11 be temporarily incapacitated following an examination by a
1 12 workers' compensation physician or other approved physician
1 13 be entitled to receive the peace officer's fixed pay and
1 14 allowances, without using the peace officer's sick leave,
1 15 until reexamined by a workers' compensation physician or other
1 16 approved physician or examined by the medical board provided
1 17 for in section 97A.5, and found to be fully recovered or
1 18 permanently disabled. In addition, a peace officer found to
1 19 be temporarily incapacitated under this subsection shall be
1 20 credited with any sick leave used prior to the determination
1 21 that the peace officer was temporarily incapacitated under this
1 22 subsection for the period of time sick leave was used. For
1 23 purposes of this subsection, disease shall mean as described
1 24 in section 97A.6, subsection 5.
1 25 Sec. 2. Section 97A.1, subsection 6, Code 2009, is amended
1 26 to read as follows:
1 27 6. "Child" means only the surviving issue of a deceased
1 28 active or retired member, or a child legally adopted by a
1 29 deceased member prior to the member's retirement. "Child"
1 30 includes only an individual who is under the age of eighteen
1 31 years, an individual who is under the age of twenty-two and is
1 32 a full-time student, or an individual who is disabled under the
1 33 definitions used in section ~~402~~ 202 of the Social Security Act
1 34 as amended if the disability occurred to the individual during
1 35 the time the individual was under the age of eighteen years



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2 1 and the parent of the individual was an active member of the
2 2 system.

2 3 Sec. 3. Section 97A.1, subsection 9, Code 2009, is amended
2 4 to read as follows:

2 5 9. "Earnable compensation" or "compensation earnable"
2 6 shall mean the regular compensation which a member would earn
2 7 during one year on the basis of the stated compensation for
2 8 the member's rank or position, including any amount received
2 9 for overtime compensation, compensation for longevity, and
2 10 the daily amount received for meals under section 80.8 and
~~2 11 excluding any amount received for overtime compensation or.~~
2 12 However, the term "earnable compensation" or "compensation
2 13 earnable" shall not include other special additional
2 14 compensation, other payments for meal expenses, uniform
2 15 cleaning allowances, travel expenses, and uniform allowances
2 16 and excluding, or any amount received upon termination or
2 17 retirement in payment for accumulated sick leave or vacation.

2 18 Sec. 4. Section 97A.6, subsection 2, paragraph e,
2 19 subparagraph (6), Code 2009, is amended to read as follows:

2 20 (6) For a member who terminates service, other than by
2 21 death ~~or disability~~, on or after July 1, 2000, and who does
2 22 not withdraw the member's contributions pursuant to section
2 23 97A.16, upon the member's retirement there shall be added
2 24 two and three-fourths percent of the member's average final
2 25 compensation for each year of service over twenty-two years.
2 26 However, this subparagraph does not apply to more than ten
2 27 additional years of service.

2 28 Sec. 5. Section 97A.6, subsection 5, paragraph b, Code 2009,
2 29 is amended by striking the paragraph.

2 30 Sec. 6. Section 97A.6, subsection 7, paragraph a,
2 31 subparagraph (2), Code 2009, is amended to read as follows:

2 32 (2) A beneficiary retired under the provisions of this
2 33 paragraph in order to be eligible for continued receipt of
2 34 retirement benefits shall no later than May 15 of each year
2 35 submit to the board of trustees a copy of the beneficiary's



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3 1 ~~state~~ federal individual income tax return for the preceding
3 2 year. The beneficiary shall also submit, within sixty days,
3 3 any documentation requested by the system that is determined to
3 4 be necessary by the system to determine the beneficiary's gross
3 5 wages.

3 6 Sec. 7. Section 97A.6, subsection 7, paragraph b, Code 2009,
3 7 is amended to read as follows:

3 8 b. Should a disability beneficiary under age fifty=five
3 9 be restored to active service at a compensation not less than
3 10 the disability beneficiary's average final compensation, the
3 11 disability beneficiary's retirement allowance shall cease, the
3 12 disability beneficiary shall again become a member and shall
3 13 contribute thereafter at the same rate payable by other members
3 14 of comparable rank, seniority, and age, and former service on
3 15 the basis of which the disability beneficiary's service was
3 16 computed at the time of retirement shall be restored to full
3 17 force and effect. Upon subsequent retirement the disability
3 18 beneficiary shall be credited with all service as a member, and
3 19 also with no more than two years of the period of disability
3 20 retirement.

3 21 Sec. 8. Section 97A.8, subsection 1, paragraph e,
3 22 subparagraph (8), Code 2009, is amended to read as follows:

3 23 (8)(a) For purposes of this subparagraph, the "applicable
3 24 employee percentage" shall be as follows:

3 25 (i) For the fiscal period beginning July 1, 2006, and ending
3 26 June 30, 2010, nine and thirty=five hundredths percent.

3 27 (ii) For the fiscal year beginning July 1, 2010, nine and
3 28 eighty=five hundredths percent.

3 29 (iii) For the fiscal year beginning July 1, 2011, ten and
3 30 thirty=five hundredths percent.

3 31 (iv) For the fiscal year beginning July 1, 2012, ten and
3 32 eighty=five hundredths percent.

3 33 (v) For the fiscal year beginning July 1, 2013, and each
3 34 fiscal year thereafter, eleven and thirty=five hundredths
3 35 percent.



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4 1 (b) Notwithstanding any other provision of this chapter,
4 2 beginning July 1, 1996, and each fiscal year thereafter, an
4 3 amount equal to the member's contribution rate times each
4 4 member's compensation shall be paid to the retirement fund from
4 5 the earnable compensation of the member. For the purposes
4 6 of this subparagraph, the member's contribution rate shall
4 7 be ~~nine and thirty-five hundredths percent~~ the applicable
4 8 ~~employee percentage. However, the system shall increase the~~
~~4 9 member's contribution rate as necessary to cover any increase~~
~~4 10 in cost to the system resulting from statutory changes which~~
~~4 11 are enacted by any session of the general assembly meeting~~
~~4 12 after January 1, 1995, if the increase cannot be absorbed~~
~~4 13 within the contribution rates otherwise established pursuant to~~
~~4 14 this paragraph, but subject to a maximum employee contribution~~
~~4 15 rate of eleven and three-tenths percent. After the employee~~
~~4 16 contribution reaches eleven and three-tenths percent, sixty~~
~~4 17 percent of the additional cost of such statutory changes shall~~
~~4 18 be paid by the employer under paragraph "c" and forty percent~~
~~4 19 of the additional cost shall be paid by employees under this~~
~~4 20 subparagraph (8).~~

4 21 Sec. 9. Section 97A.8, subsection 1, Code 2009, is amended
4 22 by adding the following new paragraph:
4 23 NEW PARAGRAPH. i. Notwithstanding any provision of this
4 24 subsection to the contrary, if any statutory changes are
4 25 enacted by any session of the general assembly meeting after
4 26 January 1, 2011, which increases the cost to the system,
4 27 the system shall, if the increased cost cannot be absorbed
4 28 within the contribution rates otherwise established pursuant
4 29 to this subsection at the time the statutory changes are
4 30 enacted, increase the normal contribution rate and the member's
4 31 contribution rate as necessary to cover any increase in cost
4 32 by providing that sixty percent of the additional cost of such
4 33 statutory changes shall be paid by the employer under paragraph
4 34 "c" and forty percent of the additional cost shall be paid by
4 35 employees under paragraph "e", subparagraph (8).



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5 1 Sec. 10. Section 97A.11, Code 2009, is amended to read as
5 2 follows:

5 3 97A.11 Contributions by the state.

5 4 On or before the first day of ~~November~~ January in each year,
5 5 the board of trustees shall certify to the director of the
5 6 department of administrative services the amounts which will
5 7 become due and payable during the fiscal year next following to
5 8 the retirement fund. The amounts so certified shall be paid
5 9 by the director of the department of administrative services
5 10 out of the funds appropriated for the Iowa department of public
5 11 safety, to the treasurer of state, the same to be credited to
5 12 the system for the ensuing fiscal year.

5 13 Sec. 11. Section 97A.14, Code 2009, is amended to read as
5 14 follows:

5 15 97A.14 Hospitalization and medical attention.

5 16 1. The board of trustees shall provide hospital, nursing,
5 17 and medical attention for the members in service when injured
5 18 while in the performance of their duties and shall continue
5 19 to provide hospital, nursing, long-term care, and medical
5 20 attention for injuries or diseases incurred while in the
5 21 performance of their duties for the members but only while
5 22 the members are still receiving a retirement allowance under
5 23 section 97A.6, subsection 6. The cost of hospital, nursing,
5 24 and medical attention shall be paid out of the retirement fund.
5 25 However, any amounts received by the injured person under the
5 26 workers' compensation law of the state, or from any other
5 27 source for such specific purposes, shall be deducted from the
5 28 amount paid by the board of trustees ~~provisions of~~ under this
5 29 section.

5 30 2. For purposes of this section, medical attention shall
5 31 include but not be limited to services provided by licensed
5 32 medical personnel to include office, hospital, nursing home
5 33 care, long-term care, and prescriptions for medicine or
5 34 equipment. Within twelve months of receiving treatment or
5 35 incurring a cost with direct correlation to the disabling



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6 1 condition, the beneficiary of an accidental disability benefit
6 2 shall submit a written request for reimbursement to the board.
6 3 A denial of reimbursement by the board shall be subject to
6 4 judicial review in the same manner as any other action by the
6 5 board in accordance with section 97A.6, subsection 13.

6 6 Sec. 12. REPEAL. Section 97A.10, Code 2009, is repealed.

6 7 Sec. 13. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
6 8 ACCIDENT, AND DISABILITY SYSTEM == MEMBERS CONTRIBUTION
6 9 RATE. Notwithstanding any provision of section 97A.8 to the
6 10 contrary, the Iowa department of public safety peace officers'
6 11 retirement, accident, and disability system, as defined in
6 12 section 97A.2, shall not increase the contribution rate of
6 13 members of the system to cover any increase in cost to the
6 14 system resulting from this division of this Act.

6 15 Sec. 14. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
6 16 ACCIDENT, AND DISABILITY SYSTEM == BOARD REPORT.

6 17 1. The board of trustees of the Iowa department of
6 18 public safety peace officers' retirement, accident, and
6 19 disability system, as defined in section 97A.2, shall
6 20 conduct a comprehensive examination of the plan design
6 21 of the Iowa department of public safety peace officers'
6 22 retirement, accident, and disability system, pursuant to the
6 23 principles established in chapter 97D, with the goal of making
6 24 recommendations for benefit and other statutory changes to the
6 25 system that will maintain an adequate retirement for members at
6 26 a reasonable cost to members and employers.

6 27 2. On or before October 15, 2011, the board of trustees
6 28 shall file a report with the legislative services agency, for
6 29 distribution to the public retirement systems committee, which
6 30 contains the results of the comprehensive examination and any
6 31 recommendations for benefit or other statutory changes to the
6 32 system.

6 33

6 34

6 35

DIVISION II
IOWA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM



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7 1 Sec. 15. Section 97B.1A, Code Supplement 2009, is amended by
7 2 adding the following new subsection:
7 3 NEW SUBSECTION. 10A. "Final average covered wage" means the
7 4 greater of the following:
7 5 a. (1) The member's covered wages averaged for the
7 6 highest five years of the member's regular service, except
7 7 as otherwise provided in this paragraph. The highest five
7 8 years of a member's covered wages shall be determined using
7 9 calendar years. However, if a member's final quarter of a
7 10 year of employment does not occur at the end of a calendar
7 11 year, the system may determine the wages for the fifth year by
7 12 computing the average quarter of all quarters from the member's
7 13 highest calendar year of covered wages not being used in the
7 14 selection of the four highest years and using the computed
7 15 average quarter for each quarter in the fifth year in which
7 16 no wages have been reported in combination with the final
7 17 quarter or quarters of the member's service to create a full
7 18 calendar year. However, the system shall not use the member's
7 19 final quarter of wages if using that quarter would reduce
7 20 the member's final average covered wage. If the five-year
7 21 average covered wage of a member exceeds the highest maximum
7 22 covered wages in effect for a calendar year during the member's
7 23 period of service, the five-year average covered wage of the
7 24 member shall be reduced to the highest maximum covered wages in
7 25 effect during the member's period of service. Notwithstanding
7 26 any other provision of this subparagraph to the contrary,
7 27 a member's wages for the fifth year as computed under this
7 28 subparagraph shall not exceed, by more than three percent, the
7 29 member's highest actual calendar year of covered wages.
7 30 (2) Notwithstanding any other provisions of this paragraph
7 31 "a" to the contrary, the member's five-year average covered
7 32 wage shall be the lesser of the five-year average covered wage
7 33 as calculated pursuant to subparagraph (1) and the adjusted
7 34 covered wage amount. For purposes of this subparagraph (2),
7 35 the covered wage amount shall be an amount equal to one hundred



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8 1 thirty-four percent of the member's applicable calendar year
8 2 wages. The member's applicable calendar year wages shall be
8 3 the member's highest calendar year of covered wages not used in
8 4 the calculation of the member's five-year average covered wage
8 5 pursuant to subparagraph (1), or such other calendar year of
8 6 covered wages selected by the system pursuant to rules adopted
8 7 by the system.

8 8 b. If the member was vested as of June 30, 2012, the
8 9 member's three-year average covered wage as of June 30, 2012.

8 10 Sec. 16. Section 97B.1A, subsection 24, paragraph c, Code
8 11 Supplement 2009, is amended to read as follows:

8 12 c. Notwithstanding any other provisions of this subsection
8 13 to the contrary, for a member who retires on or after July 1,
8 14 2007, the member's three-year average covered wage shall be the
8 15 lesser of the three-year average covered wage as calculated
8 16 pursuant to paragraph "a" and the adjusted covered wage
8 17 amount. For purposes of this paragraph, the adjusted covered
8 18 wage amount shall be the greater of the member's three-year
8 19 average covered wage calculated pursuant to paragraph "a" as
8 20 of July 1, 2007, and an amount equal to one hundred twenty-one
8 21 percent of the member's applicable calendar year wages. The
8 22 member's applicable calendar year wages shall be the member's
8 23 highest ~~full~~ calendar year of covered wages not used in the
8 24 calculation of the member's three-year average covered wage
8 25 pursuant to paragraph "a", or, ~~if the member does not have~~
~~8 26 another full calendar year of covered wages that was not used~~
~~8 27 in the calculation of the three-year average covered wage under~~
~~8 28 paragraph "a", the lowest full calendar year of covered wages~~
~~8 29 that was used in the calculation of the member's three-year~~
~~8 30 average covered wage pursuant to paragraph "a" such other~~
8 31 calendar year of covered wages selected by the system pursuant
8 32 to rules adopted by the system.

8 33 Sec. 17. Section 97B.1A, subsection 25, paragraph a,
8 34 subparagraphs (1) through (5), Code Supplement 2009, are



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9 1 amended by striking the subparagraphs and inserting in lieu
9 2 thereof the following:
9 3 (1) Is vested by service.
9 4 (2) Prior to July 1, 2005, has attained the age of
9 5 fifty=five.
9 6 (3) Between July 1, 2005, and June 30, 2012, has attained
9 7 the age of fifty=five or greater while in covered employment.
9 8 (4) On and after July 1, 2012, meets one of the following
9 9 requirements:
9 10 (a) For a member in special service, has attained the age of
9 11 fifty=five or greater while in covered employment.
9 12 (b) For a member in regular service, has attained the age of
9 13 sixty=five or greater while in covered employment.
9 14 Sec. 18. Section 97B.1A, subsection 25, Code Supplement
9 15 2009, is amended by adding the following new paragraph:
9 16 NEW PARAGRAPH. d. "Vested by service" means a member who
9 17 meets one of the following requirements:
9 18 (1) Prior to July 1, 1965, had attained the age of
9 19 forty=eight and completed at least eight years of service.
9 20 (2) Between July 1, 1965, and June 30, 1973, had completed
9 21 at least eight years of service.
9 22 (3) Between July 1, 1973, and June 30, 2012, had completed
9 23 at least four years of service.
9 24 (4) On and after July 1, 2012, meets one of the following
9 25 requirements:
9 26 (a) For a member in special service, has completed at least
9 27 four years of special service.
9 28 (b) For a member in regular service, has completed at least
9 29 seven years of service.
9 30 (5) On or after July 1, 1988, an inactive member who had
9 31 accumulated, as of the date of the member's last termination of
9 32 employment, years of membership service equal to or exceeding
9 33 the years of membership service specified in this paragraph
9 34 "d" for qualifying as vested by service on that date of
9 35 termination.



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10 1 Sec. 19. Section 97B.4, subsection 2, paragraph c, Code
10 2 2009, is amended to read as follows:

~~10 3 c. In administering this chapter, the system may enter into~~
~~10 4 a biennial agreement with the department of administrative~~
~~10 5 services concerning the sharing of resources between the~~
~~10 6 system and department which are of benefit to each and~~
~~10 7 which are consistent with the mission of the system and~~
~~10 8 the department. The budget program for the system shall be~~
10 9 established by the chief executive officer in consultation with
10 10 the board and other staff of the system and shall be compiled
10 11 and submitted by the system pursuant to section 8.23.

10 12 Sec. 20. Section 97B.4, subsection 4, paragraph a, Code
10 13 2009, is amended to read as follows:

10 14 a. Annual report to governor. Not later than the
10 15 thirty-first day of December of each year, the system shall
10 16 submit to the governor a report covering the administration
10 17 and operation of this chapter during the preceding fiscal
10 18 year and shall make recommendations for amendments to this
10 19 chapter. The report shall include a balance sheet of the
10 20 moneys in the retirement fund. The report shall also include
10 21 information concerning the investment management expenses
10 22 for the retirement fund for each fiscal year expressed as a
10 23 percent of the market value of the retirement fund investment
10 24 assets, ~~including the information described in section 97B.7,~~
~~10 25 subsection 3, paragraph "d".~~ The information provided under
10 26 this paragraph shall also include information on the investment
10 27 policies and investment performance of the retirement fund.
10 28 In providing this information, to the extent possible, the
10 29 system shall include the total investment return for the entire
10 30 fund, for portions of the fund managed by investment managers,
10 31 and for internally managed portions of the fund, and the cost
10 32 of managing the fund per thousand dollars of assets. The
10 33 performance shall be based upon market value, and shall be
10 34 contrasted with relevant market indices and with performances
10 35 of pension funds of similar asset size.



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11 1 Sec. 21. Section 97B.11, subsection 3, paragraph d, Code
11 2 2009, is amended to read as follows:
11 3 d. "Required contribution rate" means that percentage of the
11 4 covered wages of members in regular service, members described
11 5 in section 97B.49B, and members described in section 97B.49C,
11 6 that the system shall, for each fiscal year, separately set
11 7 for members in each membership category as provided in this
11 8 paragraph. The required contribution rate that is set by the
11 9 system for a membership category shall be the contribution
11 10 rate the system actuarially determines, based upon the
11 11 most recent actuarial valuation of the system and using the
11 12 actuarial methods, assumptions, and funding policy approved by
11 13 the investment board, is the rate required by the system to
11 14 discharge its liabilities as a percentage of the covered wages
11 15 of members in that membership category. However, the required
11 16 contribution rate set by the system for a fiscal year shall
11 17 not vary by more than ~~one-half~~ one percentage point from the
11 18 required contribution rate for the prior fiscal year.
11 19 Sec. 22. Section 97B.49A, subsection 3, Code 2009, is
11 20 amended to read as follows:
11 21 3. Calculation of monthly allowance. For each active or
11 22 inactive vested member retiring on or after July 1, 1994, with
11 23 four or more complete years of service, a monthly benefit shall
11 24 be computed which is equal to one-twelfth of an amount equal
11 25 to the applicable percentage of the ~~three-year~~ final average
11 26 covered wage multiplied by a fraction of years of service.
11 27 However, if benefits under this section commence on an early
11 28 retirement date, the amount of the benefit shall be reduced in
11 29 accordance with section 97B.50.
11 30 Sec. 23. Section 97B.49A, subsection 4, paragraph c, Code
11 31 2009, is amended to read as follows:
11 32 c. For each active and vested member retiring ~~with less than~~
11 33 ~~four complete years of service and who therefore~~ cannot have a
11 34 benefit determined under the formula benefit of paragraph "a"
11 35 or "b" of this subsection, subsection 3, or section 97B.49G,



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12 1 subsection 1, a monthly annuity for membership service shall be
12 2 determined by applying the member's accumulated contributions
12 3 and the employer's matching accumulated contributions as of the
12 4 effective retirement date and any retirement dividends standing
12 5 to the member's credit on or before December 31, 1966, to the
12 6 annuity tables in use by the system according to the member's
12 7 age and contingent annuitant's age, if applicable.

12 8 Sec. 24. Section 97B.49D, subsection 1, unnumbered
12 9 paragraph 1, Code 2009, is amended to read as follows:

12 10 An active or inactive vested member, who is or has been
12 11 employed in both special service and regular service, who
12 12 retires on or after July 1, 1996, ~~with four or more completed~~
~~12 13 years of~~ who is vested by service, and who at the time of
12 14 retirement is at least fifty-five years of age, may elect
12 15 to receive, in lieu of the receipt of a monthly retirement
12 16 allowance as calculated pursuant to sections 97B.49A through
12 17 97B.49C, a combined monthly retirement allowance equal to the
12 18 sum of the following:

12 19 Sec. 25. Section 97B.49D, subsection 1, paragraph a, Code
12 20 2009, is amended to read as follows:

12 21 a. One-twelfth of an amount equal to the applicable
12 22 percentage of the member's ~~three-year~~ final average covered
12 23 wage multiplied by a fraction of years of service. The
12 24 fraction of years of service for purposes of this paragraph
12 25 shall be the actual years of service, not to exceed thirty,
12 26 for which regular service contributions were made, divided by
12 27 thirty. However, any otherwise applicable age reduction for
12 28 early retirement shall apply to the calculation under this
12 29 paragraph.

12 30 Sec. 26. Section 97B.50, subsection 1, paragraphs a and b,
12 31 Code 2009, are amended to read as follows:

12 32 a. For a member who is ~~less than sixty-two years of age~~ not
~~12 33 vested on June 30, 2012, by twenty-five hundredths~~ one-half of
12 34 one percent per month for each month that the early retirement
12 35 date precedes the ~~normal retirement~~ date the member attains age



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13 1 sixty-five.

13 2 b. For a member who is at least ~~sixty-two~~ years of age and
~~13 3 who has not completed twenty years of membership service and~~
~~13 4 prior service vested on June 30, 2012, the member's retirement~~
13 5 allowance shall be reduced as follows:

13 6 (1) For that portion of the member's retirement allowance
13 7 based on years of service through June 30, 2012, by twenty-five
13 8 hundredths of one percent per month for each month that the
13 9 early retirement date precedes the member's earliest normal
13 10 retirement date using the member's age on the early retirement
13 11 date and years of service as of June 30, 2012.

13 12 (2) For that portion of the member's retirement allowance
13 13 based on years of service after June 30, 2012, by one-half of
13 14 one percent per month for each month that the early retirement
13 15 date precedes the date the member attains age sixty-five.

13 16 Sec. 27. Section 97B.52, subsection 1, unnumbered paragraph
13 17 1, Code 2009, is amended to read as follows:

13 18 If an inactive member, ~~with at least sixteen calendar~~
~~13 19 quarters of service credit who is vested by service, or~~
13 20 any active member dies prior to the member's first month of
13 21 entitlement, the member's beneficiary shall be entitled to
13 22 receive a death benefit equal to the greater of the amount
13 23 provided in paragraph "a" or "b". If an inactive member ~~with~~
~~13 24 less than sixteen calendar quarters of service credit who is~~
13 25 not vested by service dies prior to the member's first month of
13 26 entitlement, the member's beneficiary shall only be entitled
13 27 to receive a death benefit, as a lump sum, equal to the amount
13 28 provided in paragraph "a".

13 29 Sec. 28. Section 97B.52A, subsection 1, paragraph c, Code
13 30 2009, is amended to read as follows:

13 31 c. (1) For a member whose first month of entitlement
13 32 is July 2000 or later, the member does not return to any
13 33 employment with a covered employer until the member has
13 34 qualified for at least one calendar month of retirement
13 35 benefits, and the member does not return to covered employment



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14 1 until the member has qualified for no fewer than four calendar
14 2 months of retirement benefits.

14 3 (2) For purposes of determining a bona fide retirement
14 4 under this paragraph "c", effective the following provisions
14 5 apply:

14 6 (a) Effective July 1, 2000, any employment with a covered
14 7 employer does not include employment as an elective official
14 8 or member of the general assembly if the member is not covered
14 9 under this chapter for that employment.

~~14 10 (b) For purposes of determining a bona fide retirement~~
~~14 11 under this paragraph and for a member whose first month of~~
14 12 entitlement is July 2004 or later, but before July 2010 2012,
14 13 covered employment does not include employment as a licensed
14 14 health care professional by a public hospital as defined in
14 15 section 249J.3, with the exception of public hospitals governed
14 16 pursuant to chapter 226.

14 17 (c) Effective May 25, 2008, any employment with a covered
14 18 employer does not include noncovered employment as a member of
14 19 the national guard called to state active duty as defined in
14 20 section 29A.1.

14 21 Sec. 29. Section 97B.58, Code 2009, is amended to read as
14 22 follows:

14 23 97B.58 Information furnished by employer.

14 24 To enable the system to administer this chapter and perform
14 25 its functions, the employer shall, upon the request of and
14 26 in the manner provided by the system, ~~supply full~~ provide
14 27 accurate, complete, and timely information to the system of
14 28 all matters relating to the pay of all members, date of birth,
14 29 their retirement, death, or other cause for termination of
14 30 employment, and other pertinent facts the system may require
14 31 in the manner provided by the system. The system shall not be
14 32 liable to any member, retiree, or beneficiary for any monetary
14 33 or other relief due to the failure of the employer to comply
14 34 with this section.



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15 1 Sec. 30. 2008 Iowa Acts, chapter 1171, section 47, is
15 2 amended to read as follows:

15 3 SEC. 47. TRANSITION PROVISION == REQUIRED CONTRIBUTION RATE
15 4 FOR FISCAL YEAR 2010=2011. For purposes of establishing the
15 5 required contribution rate for the fiscal year beginning July
15 6 1, 2011, as provided in section 97B.11, as amended in this Act,
15 7 the required contribution rate for the fiscal year beginning
15 8 July 1, 2010, shall be, for ~~members in regular service,~~ members
15 9 described in section 97B.49B, and members described in section
15 10 97B.49C, the total contribution percentage rate paid by members
15 11 and employers of that membership group for the fiscal year
15 12 beginning July 1, 2010.

15 13 Sec. 31. 2009 Iowa Acts, chapter 170, section 51,
15 14 subsections 1 and 3, are amended to read as follows:

15 15 1. a. Notwithstanding any provision of chapter 97B to the
15 16 contrary, a member of the Iowa public employees' retirement
15 17 system who has an employer=mandated reduction in hours or
15 18 an employee=exercised reduction in pay but remains on the

15 19 employer's payroll, and who would receive a reduction in the
15 20 member's three=year average covered wage as a result of the
15 21 reduction in hours, may have the member's retirement allowance
15 22 calculated based on the three=year average covered wage the
15 23 member would have received, based on reasonable assumptions,
15 24 if the member had not been subject to the employer=mandated
15 25 reduction in hours or employee=exercised reduction in pay, upon
15 26 payment by the member of the applicable contribution amount.

15 27 b. For purposes of this section, ~~the applicable contribution~~
15 28 ~~amount unless the context otherwise requires:~~

15 29 (1) "Applicable contribution amount" is an amount equal to
15 30 the employee and employer contributions that would have been
15 31 paid to the system based on the wages that the member would
15 32 have received but for the employer=mandated reduction in hours
15 33 or employee=exercised reduction in pay and would have been
15 34 included in the member's three=year average covered wage.

15 35 (2) "Employee=exercised reduction in pay" means a reduction



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16 1 in pay of a member who has exercised bumping rights by
16 2 accepting a lower-paid position in order to avoid being laid
16 3 off by the employer.

16 4 3. This section shall apply to employer=mandated reductions
16 5 in hours or employee=exercised reductions in pay during
16 6 the period of time beginning on or after January 1, 2009,
16 7 and ending no later than June 30, ~~2010~~ 2011. The system is
16 8 authorized to adopt such rules, including emergency rules, as
16 9 it deems necessary or prudent to implement this section.

16 10 Sec. 32. IPERS REGULAR MEMBERS == FINAL AVERAGE COVERED WAGE ==
16 11 JULY 1, 2010 THROUGH JUNE 30, 2012. Notwithstanding any
16 12 provision of section 97B.1A, subsection 10A, as enacted by this
16 13 division of this Act, to the contrary, for the period beginning
16 14 July 1, 2010, and ending June 30, 2012, "final average covered
16 15 wage" means the member's three-year average covered wage.

16 16 Sec. 33. IPERS REGULAR MEMBERS == REQUIRED CONTRIBUTION
16 17 RATE FOR FISCAL YEAR 2011=2012. Notwithstanding any provision
16 18 of section 97B.11 to the contrary, for members in regular
16 19 service as defined in section 97B.1A, the required contribution
16 20 rate for the fiscal year beginning July 1, 2011, as provided
16 21 in section 97B.11, shall be thirteen and forty?five hundredths
16 22 percent.

16 23 Sec. 34. EFFECTIVE DATE. The section of this division of
16 24 this Act amending section 97B.50 takes effect June 30, 2012.

16 25 Sec. 35. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
16 26 APPLICABILITY. The section of this division of this Act
16 27 enacting section 97B.52A, subsection 1, paragraph "c",
16 28 subparagraph (2), subparagraph division (c), being deemed of
16 29 immediate importance, takes effect upon enactment and applies
16 30 retroactively to May 25, 2008.

16 31 Sec. 36. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
16 32 APPLICABILITY. The section of this division of this Act
16 33 amending 2009 Iowa Acts, chapter 170, section 51, being deemed
16 34 of immediate importance, takes effect upon enactment and
16 35 applies retroactively to January 1, 2009.



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17 1 DIVISION III
17 2 STATEWIDE FIRE AND POLICE
17 3 RETIREMENT SYSTEM
17 4 Sec. 37. Section 8.59, Code 2009, is amended to read as
17 5 follows:
17 6 8.59 Appropriations freeze.
17 7 Notwithstanding contrary provisions of the Code, the amounts
17 8 appropriated under the applicable sections of the Code for
17 9 fiscal years commencing on or after July 1, 1993, are limited
17 10 to those amounts expended under those sections for the fiscal
17 11 year commencing July 1, 1992. If an applicable section
17 12 appropriates moneys to be distributed to different recipients
17 13 and the operation of this section reduces the total amount to
17 14 be distributed under the applicable section, the moneys shall
17 15 be prorated among the recipients. As used in this section,
17 16 "applicable sections" means sections 53.50, 229.35, 230.8,
17 17 230.11, ~~411.20~~, and 663.44.
17 18 Sec. 38. Section 411.1, subsection 9, Code Supplement 2009,
17 19 is amended to read as follows:
17 20 9. "Earnable compensation" or "compensation earnable" shall
17 21 mean the annual compensation which a member receives for
17 22 services rendered as a police officer or fire fighter in the
17 23 course of employment with a participating city, including any
17 24 amounts received for overtime compensation. However, the term
17 25 "earnable compensation" or "compensation earnable" shall not
17 26 include amounts received for ~~overtime compensation~~, meal or
17 27 travel expenses, uniform allowances, fringe benefits, severance
17 28 pay, or any amount received upon termination or retirement in
17 29 payment for accumulated sick leave or vacation. Contributions
17 30 made by a member from the member's earnable compensation to a
17 31 plan of deferred compensation shall be included in earnable
17 32 compensation. Other contributions made to a plan of deferred
17 33 compensation shall not be included except to the extent
17 34 provided in rules adopted by the board of trustees pursuant to
17 35 section 411.5, subsection 3.



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18 1 Sec. 39. Section 411.1, subsection 22, Code Supplement
18 2 2009, is amended to read as follows:
18 3 22. "Surviving spouse" shall mean the surviving spouse of a
18 4 deceased member ~~from active service~~. Surviving spouse shall
18 5 include a former spouse only if the division of assets in the
18 6 dissolution of marriage decree pursuant to section 598.17
18 7 grants the former spouse rights of a spouse under this chapter.
18 8 Sec. 40. Section 411.6, subsection 3, Code Supplement 2009,
18 9 is amended to read as follows:
18 10 3. Ordinary disability retirement benefit. Upon application
18 11 to the system, of a member in good standing or of the chief
18 12 of the police or fire departments, respectively, any member
18 13 in good standing shall be retired by the system, not less
18 14 than thirty and not more than ninety days next following the
18 15 date of filing the application, on an ordinary disability
18 16 retirement allowance, if the medical board after a medical
18 17 examination of the member certifies that the member is mentally
18 18 or physically incapacitated for further performance of duty,
18 19 that the incapacity is likely to be permanent, and that the
18 20 member should be retired. However, if a person's membership
18 21 in the system first commenced on or after July 1, 1992, the
18 22 member shall not be eligible for benefits with respect to a
18 23 disability which would not exist, but for a medical condition
18 24 that was known to exist on the date that membership commenced.
18 25 A medical condition shall be deemed to have been known to exist
18 26 on the date that membership commenced if the medical condition
18 27 is reflected in any record or document completed or obtained
18 28 in accordance with the system's medical protocols pursuant to
18 29 section 400.8, or in any other record or document obtained
18 30 pursuant to an application for disability benefits from the
18 31 system, if such record or document existed prior to the date
18 32 membership commenced. A member who is denied a benefit under
18 33 this subsection, by reason of a finding by the medical board
18 34 that the member is not mentally or physically incapacitated
18 35 for the further performance of duty, shall be entitled to



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19 1 be restored to active service in the same position held
19 2 immediately prior to the application for disability benefits.
19 3 The member=in=good=standing requirement of this subsection
19 4 may be waived for good cause as determined by the board. The
19 5 burden of establishing good cause is on the member.

19 6 Sec. 41. Section 411.6, subsection 8, paragraph c,
19 7 subparagraph (1), Code Supplement 2009, is amended to read as
19 8 follows:

19 9 (1) The spouse, regardless of whether the spouse was
19 10 designated by the member to the system as the member's
19 11 beneficiary.

19 12 Sec. 42. Section 411.6, subsection 8, paragraph d,
19 13 subparagraph (1), Code Supplement 2009, is amended to read as
19 14 follows:

19 15 (1) To the member's surviving spouse, unless the surviving
19 16 spouse selected the pension under paragraph "b".

19 17 Sec. 43. Section 411.6B, Code 2009, is amended by adding the
19 18 following new subsection:

19 19 NEW SUBSECTION. 3. a. For distributions after December
19 20 31, 2009, a nonspouse beneficiary who is a designated
19 21 beneficiary may roll over all or any portion of the
19 22 beneficiary's distribution to an individual retirement account
19 23 the beneficiary establishes for purposes of receiving the
19 24 distribution by means of a direct rollover. In order to
19 25 qualify for a rollover under this subsection, the distribution
19 26 must otherwise satisfy the definition of an eligible
19 27 rollover distribution. If a nonspouse beneficiary receives a
19 28 distribution from the system, the distribution is not eligible
19 29 for a sixty=day rollover.

19 30 b. If the member's named beneficiary is a trust, the system
19 31 may make a direct rollover to an individual retirement account
19 32 on behalf of the trust, provided the trust satisfies the
19 33 requirements to be a designated beneficiary within the meaning
19 34 of Internal Revenue Code section 401(a)(9)(E).

19 35 c. A nonspouse beneficiary may not roll over an amount



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20 1 which is a required minimum distribution, as determined
20 2 under applicable United States treasury regulations and
20 3 other federal Internal Revenue Service guidance. If the
20 4 participant dies before the participant's required beginning
20 5 date and the nonspouse beneficiary rolls over to an individual
20 6 retirement account the maximum amount eligible for rollover,
20 7 the beneficiary may elect to use either the five-year rule or
20 8 the life expectancy rule, pursuant to applicable United States
20 9 treasury regulations as provided in 26 C.F.R. {1.401(a)(9)=3,
20 10 in determining the required minimum distributions from the
20 11 individual retirement account that receives the nonspouse
20 12 beneficiary's distribution.

20 13 Sec. 44. Section 411.8, subsection 1, paragraph b,
20 14 subparagraph (1), Code Supplement 2009, is amended to read as
20 15 follows:

20 16 (1) On the basis of the actuarial methods and assumptions,
20 17 rate of interest, and of the mortality, interest and other
20 18 tables adopted by the system, the actuary engaged by the system
20 19 to make each valuation required by this chapter pursuant to the
20 20 requirements of section 411.5, shall immediately after making
20 21 such valuation, determine the normal contribution rate. Except
20 22 as otherwise provided in this lettered paragraph, the "normal
20 23 contribution rate" shall be the rate percent of the earnable
20 24 compensation of all members equal to the rate required by the
20 25 system to discharge its liabilities, stated as a percentage of
20 26 the earnable compensation of all members, and reduced by the
20 27 employee contribution rate provided in paragraph "f" of this
20 28 subsection and the contribution rate representing ~~the~~ any state
20 29 appropriation made ~~as provided in section 411.20~~. However,
20 30 the normal contribution rate shall not be less than seventeen
20 31 percent.

20 32 Sec. 45. Section 411.8, subsection 1, paragraph f,
20 33 subparagraph (8), Code Supplement 2009, is amended to read as
20 34 follows:



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21 1 (8)(a) For purposes of this subparagraph, the "applicable
21 2 employee percentage" shall be as follows:
21 3 (i) For the fiscal period beginning July 1, 2006, and ending
21 4 June 30, 2009, nine and thirty-five hundredths percent.
21 5 (ii) For the fiscal year beginning July 1, 2009, nine and
21 6 four-tenths percent.
21 7 (iii) For the fiscal year beginning July 1, 2010, nine and
21 8 nine-tenths percent.
21 9 (iv) For the fiscal year beginning July 1, 2011, ten and
21 10 four-tenths percent.
21 11 (v) For the fiscal year beginning July 1, 2012, ten and
21 12 nine-tenths percent.
21 13 (vi) For the fiscal year beginning July 1, 2013, and each
21 14 fiscal year thereafter, eleven and four-tenths percent.
21 15 (b) Beginning July 1, 1996, and each fiscal year thereafter,
21 16 an amount equal to the member's contribution rate times each
21 17 member's compensation shall be paid to the fund from the
21 18 earnable compensation of the member. For the purposes of
21 19 this subparagraph, the member's contribution rate shall be
21 20 nine and thirty-five hundredths percent or, beginning July 1,
~~21 21 2009, nine and four-tenths percent~~ the applicable employee
21 22 percentage. However, the system shall increase the member's
~~21 23 contribution rate as necessary to cover any increase in cost~~
~~21 24 to the system resulting from statutory changes which are~~
~~21 25 enacted by any session of the general assembly meeting after~~
~~21 26 January 1, 1991, if the increase cannot be absorbed within~~
~~21 27 the contribution rates otherwise established pursuant to this~~
~~21 28 paragraph, but subject to a maximum employee contribution rate~~
~~21 29 of eleven and three-tenths percent or, beginning July 1, 2009,~~
~~21 30 eleven and thirty-five hundredths percent. The contribution~~
~~21 31 rate increases specified in 1994 Iowa Acts, ch.1183, pursuant~~
~~21 32 to this chapter and chapter 97A shall be the only member~~
~~21 33 contribution rate increases for these systems resulting from~~
~~21 34 the statutory changes enacted in 1994 Iowa Acts, ch.1183, and~~
~~21 35 shall apply only to the fiscal periods specified in 1994 Iowa~~



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~~22 1 Acts, ch.1183. After the employee contribution reaches eleven
22 2 and three-tenths percent or eleven and thirty-five hundredths
22 3 percent, as applicable, sixty percent of the additional cost
22 4 of such statutory changes shall be paid by employers under
22 5 paragraph "c" and forty percent of the additional cost shall be
22 6 paid by employees under this paragraph.~~

22 7 Sec. 46. Section 411.8, subsection 1, Code Supplement 2009,
22 8 is amended by adding the following new paragraph:

22 9 NEW PARAGRAPH. j. Notwithstanding any provision of this
22 10 subsection to the contrary, if any statutory changes are
22 11 enacted by any session of the general assembly meeting after
22 12 January 1, 2011, which increases the cost to the system,
22 13 the system shall, if the increased cost cannot be absorbed
22 14 within the contribution rates otherwise established pursuant
22 15 to this subsection at the time the statutory changes are
22 16 enacted, increase the normal contribution rate and the member's
22 17 contribution rate as necessary to cover any increase in cost
22 18 by providing that sixty percent of the additional cost of such
22 19 statutory changes shall be paid by the employer under paragraph
22 20 "c" and forty percent of the additional cost shall be paid by
22 21 employees under paragraph "f", subparagraph (8).

22 22 Sec. 47. Section 411.9, Code 2009, is amended by adding the
22 23 following new subsection:

22 24 NEW SUBSECTION. 1A. In the case of a member's death
22 25 occurring on or after January 1, 2007, if the member dies while
22 26 performing qualified military service as defined in section
22 27 414(u) of the Internal Revenue Code, the survivors of the
22 28 member are entitled to any additional benefits, other than
22 29 benefit accruals relating to the period of qualified military
22 30 service, provided by the system as if the member had resumed
22 31 membership service and had died as the natural and proximate
22 32 result of an injury or disease incurred in or aggravated by the
22 33 actual performance of duty at some definite time and place.

22 34 Sec. 48. Section 411.9, Code 2009, is amended by adding the
22 35 following new subsection:



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23 1 NEW SUBSECTION. 1B. For years beginning after December
23 2 31, 2008, if a member who is absent while serving in the armed
23 3 services of the United States is receiving a differential wage
23 4 payment, as defined in section 3401(h)(2) of the Internal
23 5 Revenue Code, from a participating city, all of the following
23 6 shall apply:
23 7 a. The member is treated as an employee of the employer
23 8 making the payment and as an active member of the system.
23 9 b. The differential wage payment is treated as earnable
23 10 compensation of the member.
23 11 c. The system is not treated as failing to meet the
23 12 requirements of any provision described in section 414(u)(1)(C)
23 13 of the Internal Revenue Code by reason of any contribution or
23 14 benefit which is based on the differential wage payment.
23 15 Sec. 49. Section 411.37, subsections 2 and 3, Code 2009, are
23 16 amended to read as follows:
23 17 2. The board shall include in the transition plan or other
23 18 transition documents, provisions to facilitate continuity under
23 19 sections ~~411.20~~, 411.21, and 411.30, and any appropriations to
23 20 the system from the state.
23 21 3. For each of the fiscal years beginning July 1, 1990,
23 22 and July 1, 1991, ten percent of the amount appropriated by
23 23 the state for distribution to cities as provided in section
~~23 24 411.20~~ shall be made available to the board of trustees for
23 25 the statewide system to cover the administrative costs of the
23 26 transition. The amount distributed to each city shall be
23 27 reduced accordingly. The moneys remaining unencumbered or
23 28 unexpended at the end of the fiscal year beginning July 1,
23 29 1990, and the moneys remaining unencumbered or unexpended on
23 30 January 1, 1992, shall be credited to the cities in the same
23 31 proportion as the reduction.
23 32 Sec. 50. REPEAL. Section 411.20, Code 2009, is repealed.
23 33 Sec. 51. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM FUND ==
23 34 APPROPRIATIONS.
23 35 1. There is appropriated from the general fund of the state



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24 1 for deposit in the statewide fire and police retirement fund
24 2 created in section 411.8, for the designated fiscal years, the
24 3 following amounts:
24 4 FY 2010=2011.....\$ 1,500,000
24 5 FY 2011=2012.....\$ 750,000
24 6 2. Moneys appropriated by the state pursuant to this section
24 7 shall not be used to reduce the normal rate of contribution of
24 8 any city below 17 percent.
24 9 Sec. 52. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM ==
24 10 MEMBERS CONTRIBUTION RATE. Notwithstanding any provision of
24 11 section 411.8 to the contrary, the statewide fire and police
24 12 retirement system created in chapter 411 shall not increase
24 13 the contribution rate of members of the system to cover any
24 14 increase in cost to the system resulting from this division of
24 15 this Act.
24 16 Sec. 53. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM ==
24 17 BOARD REPORT.
24 18 1. The board of trustees of the statewide fire and police
24 19 retirement system created in chapter 411 shall conduct
24 20 a comprehensive examination of the plan design of the
24 21 statewide fire and police retirement system, pursuant to the
24 22 principles established in chapter 97D, with the goal of making
24 23 recommendations for benefit and other statutory changes to the
24 24 system that will maintain an adequate retirement for members at
24 25 a reasonable cost to members and employers.
24 26 2. On or before October 15, 2011, the board of trustees
24 27 shall file a report with the legislative services agency, for
24 28 distribution to the public retirement systems committee, which
24 29 contains the results of the comprehensive examination and any
24 30 recommendations for benefit or other statutory changes to the
24 31 system.
24 32 Sec. 54. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
24 33 APPLICABILITY. The section of this division of this Act
24 34 enacting section 411.9, subsection 1A, being deemed of



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25 1 immediate importance, take effect upon enactment and applies
25 2 retroactively to deaths occurring on or after January 1, 2007.

25 3 Sec. 55. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
25 4 APPLICABILITY. The section of this division of this Act
25 5 enacting section 411.9, subsection 1B, being deemed of
25 6 immediate importance, takes effect upon enactment and applies
25 7 retroactively to years beginning after December 31, 2008.

25 8 EXPLANATION

25 9 This bill makes numerous changes to public retirement
25 10 systems, including the public safety peace officers'
25 11 retirement, accident, and disability system, the Iowa public
25 12 employees' retirement system, and the statewide fire and police
25 13 retirement system. The bill may include a state mandate as
25 14 defined in Code section 25B.3. The state mandate funding
25 15 requirement in Code section 25B.2, however, does not apply to
25 16 public employee retirement systems. The changes to each public
25 17 retirement system are as follows:

25 18 PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM
25 19 (PORS). Code section 97A.1(6), concerning the definition of
25 20 child, is amended by correcting a reference to the federal
25 21 Social Security Act.

25 22 Code section 97A.1(9), concerning the definition of
25 23 earnable compensation, is amended to provide that overtime
25 24 compensation is included as earnable compensation for purposes
25 25 of PORS. Current law excludes overtime compensation from this
25 26 definition. The bill provides that any increased cost arising
25 27 out of this change shall not result in an increase in the
25 28 member's contribution rate.

25 29 Code section 97A.6(5)(b), concerning the continuation of
25 30 peace officer pay and allowances while the peace officer
25 31 is temporarily incapacitated, is amended by striking this
25 32 provision and transferring it to Code section 80.8.

25 33 Code section 97A.6(7), concerning reexamination of
25 34 disability retirees, is amended to require a disability retiree
25 35 to provide the PORS board a copy of the beneficiary's federal



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26 1 individual tax return and such other information the system
26 2 deems necessary. Current law only requires the beneficiary to
26 3 provide a copy of the beneficiary's state income tax return.
26 4 The subsection is also amended to provide that a disability
26 5 beneficiary who is restored to active service and then
26 6 subsequently retires is entitled to service credit for no more
26 7 than two years of the period of disability retirement. Current
26 8 law allows a service credit for all years of the disability
26 9 retirement.

26 10 Code section 97A.8, concerning the financing of PORS, is
26 11 amended to increase the employee contribution rate by 0.5
26 12 percentage points for four years beginning July 1, 2010, from
26 13 9.35 percent of pay, until reaching 11.35 percent beginning on
26 14 and after July 1, 2013. The section is also amended to provide
26 15 that the cost to cover any increase in cost to PORS resulting
26 16 from any statutory changes enacted after January 1, 2011,
26 17 shall be divided with 60 percent of the increased cost paid by
26 18 employers and 40 percent by the employees, if the increased
26 19 cost cannot be absorbed within the contribution rates otherwise
26 20 established at that time.

26 21 Code section 97A.10, concerning purchase of eligible service
26 22 credit, is repealed. The Code section had allowed the purchase
26 23 of eligible service by filing an application with the system by
26 24 July 1, 2007.

26 25 Code section 97A.11, concerning contributions by the state,
26 26 is amended to provide that the PORS board shall certify the
26 27 state's contribution rate for the upcoming fiscal year by
26 28 January, instead of November.

26 29 Code section 97A.14, concerning hospitalization and medical
26 30 attention for members injured while in the performance of
26 31 their duties, is amended to provide a description of what
26 32 constitutes medical attention, require beneficiaries to submit
26 33 reimbursement claims within 12 months, and provide that the
26 34 requirement to provide reimbursement ceases once the disability
26 35 beneficiary is no longer receiving a disability retirement



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27 1 benefit.

27 2 The bill also directs the PORS board to conduct a
27 3 comprehensive examination of the plan design of PORS and to
27 4 submit a report, by October 15, 2011, to the public retirement
27 5 systems committee concerning the results of the examination
27 6 and any other recommendations for benefit or other statutory
27 7 changes to PORS.

27 8 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS). Code
27 9 section 97B.1A, is amended to add a definition for final
27 10 average covered wage. The bill provides that a member's final
27 11 average covered wage is the greater of the member's highest
27 12 five years of a covered wage or the member's three-year average
27 13 covered wage as of June 30, 2012. The new definition provides
27 14 that a member's highest five years of covered wages shall be
27 15 the lesser of the member's highest five years of covered wages
27 16 or an amount equal to 134 percent of the member's highest
27 17 calendar year of wages not used in calculating the member's
27 18 five-year average covered wage. The bill provides that for the
27 19 period from July 1, 2010, until June 30, 2012, a member's final
27 20 average covered wage shall be the member's three-year average
27 21 covered wage.

27 22 Code section 98B.1A(25), concerning the definition of vested
27 23 member, is amended to provide that beginning July 1, 2012, a
27 24 member in regular service shall be vested if the member has
27 25 completed at least seven years of service or has attained
27 26 the age of 65 or greater while in covered employment. For
27 27 members in special service, the bill provides that a member
27 28 is vested if the member has completed at least four years of
27 29 special service or has attained the age of 55 or greater while
27 30 in covered employment. Current law provides that for both
27 31 members in regular and special service, a member is vested
27 32 upon completing at least four years of any service or has
27 33 attained the age of 55 while an active member of the system.
27 34 The bill establishes a definition for vested by service which
27 35 is included within the definition of vested member and includes



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28 1 only those vesting provisions which are based upon years of
28 2 membership service and not solely based upon the age of the
28 3 member.
28 4 Code section 97B.4(2)(c) is amended by striking the
28 5 provision which authorized the system to enter into a biennial
28 6 agreement with the department of administrative services
28 7 concerning the sharing of resources between IPERS and the
28 8 department.
28 9 Code section 97B.4(4)(a), concerning the annual report
28 10 to the governor, is amended by striking the inclusion of
28 11 information relative to investment management expenses
28 12 described in Code section 97B.7(3)(d). Legislation enacted
28 13 in 2008 struck the requirement in Code section 97B.7(3)(d)
28 14 limiting investment management expenses to 0.4 percent of the
28 15 fund value.
28 16 Code section 97B.11, concerning contributions by employer
28 17 and employee, is amended to provide that beginning July 1,
28 18 2011, the required contribution for all categories of IPERS
28 19 members may vary by 1 percentage point from the required
28 20 contribution rate for the previous year. Current law only
28 21 allows a 0.5 percentage point variance. The bill also provides
28 22 that the required contribution rate for regular members in
28 23 IPERS shall be 13.45 percent for the fiscal year beginning July
28 24 1, 2011.
28 25 Code section 97B.49A, concerning the calculation of a
28 26 retirement allowance for regular members of IPERS, is amended
28 27 to provide that the benefit shall be calculated using the
28 28 member's final average covered wage and not the member's
28 29 three-year average covered wage.
28 30 Code section 97B.49D, concerning the hybrid formula, is
28 31 amended to provide that a person is eligible to utilize this
28 32 formula if the member is vested by service, based upon the
28 33 new definition added in this bill. The Code section is also
28 34 amended to provide that the calculation of the regular member's
28 35 portion of the benefit shall be calculated using the member's



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29 1 final average covered wage and not the member's three-year
29 2 average covered wage.
29 3 Code section 97B.50, concerning penalties for early
29 4 retirement, is amended to provide that for a member who is
29 5 not vested on June 30, 2012, and who retires and receives a
29 6 retirement allowance prior to the member's normal retirement
29 7 date, the retirement allowance shall be reduced by 0.5 percent
29 8 for each month the early retirement date precedes the date
29 9 the member attains age 65. If the member is vested on June
29 10 30, 2012, the bill provides that the portion of the member's
29 11 retirement allowance based upon years of service prior to June
29 12 30, 2012, shall be reduced, based on current law, by 0.25
29 13 percent for each month that the retirement allowance precedes
29 14 the member's earliest normal retirement date and the portion of
29 15 the member's retirement allowance based upon years of service
29 16 after June 30, 2012, shall be reduced in the same manner as for
29 17 members who were not vested on June 30, 2012. This provision
29 18 takes effect June 30, 2012.
29 19 Code section 97B.52, concerning death benefits, is amended
29 20 to utilize the years-of-service definition created in this
29 21 bill.
29 22 Code section 97B.52A, concerning the determination of a
29 23 bona fide retirement under IPERS, is amended. Current law
29 24 allows, until July 2010, a person to retire, receive retirement
29 25 benefits, and to return to covered employment as a licensed
29 26 health care professional at a public hospital after one month
29 27 and still receive retirement benefits. Most retirees under
29 28 IPERS are not allowed to return to covered employment and
29 29 continue to receive retirement benefits until at least four
29 30 months after they retire. The bill extends the sunset of
29 31 this shortened period for licensed health care professionals
29 32 from July 2010 to July 2012. This provision of the bill also
29 33 provides that a person retired under IPERS may return to
29 34 noncovered employment as a member of the national guard called
29 35 to state active duty at any time for purposes of determining a



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30 1 bona fide retirement under IPERS. These provisions take effect
30 2 upon enactment and the provision relative to the national guard
30 3 is retroactively applicable to May 25, 2008.
30 4 2009 Iowa Acts, chapter 170, is amended. That provision
30 5 allowed an IPERS member to purchase additional wage credits
30 6 equal to the pay the member would have received if the member
30 7 was not furloughed and received a reduction in pay from
30 8 January 1, 2009, until June 30, 2010. The bill extends this
30 9 provision until June 30, 2011, and allows a person who has
30 10 an employee=exercised reduction in pay by means of taking
30 11 a reduction in pay through exercising union bumping rights
30 12 the ability to purchase these wage credits. This provision
30 13 takes effect upon enactment and is retroactively applicable to
30 14 January 1, 2009.
30 15 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM (MFPRSI).
30 16 Code section 411.1(9), concerning the definition of earnable
30 17 compensation, is amended to provide that overtime compensation
30 18 is included as earnable compensation for purposes of
30 19 MFPRSI. Current law excludes overtime compensation from this
30 20 definition. The bill provides that any increased cost arising
30 21 out of this change shall not result in an increase in the
30 22 member's contribution rate.
30 23 Code section 411.1(22), concerning the definition of
30 24 surviving spouse, is amended to provide that the term is not
30 25 limited to situations in which the member was in active service
30 26 at the time of death.
30 27 Code section 411.6(3), concerning ordinary disability
30 28 retirement benefit, is amended to define knowledge of a
30 29 preexisting medical condition that may disqualify a person from
30 30 benefits in the same manner as it is defined for purposes of an
30 31 accidental disability retirement under section 411.6(5).
30 32 Code section 411.6(8), concerning ordinary death benefits,
30 33 is amended to provide that a surviving spouse may elect a
30 34 pension in lieu of the death benefit otherwise payable if the
30 35 surviving spouse is the beneficiary based on the member's



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31 1 designation or by default if the member did not designate a
31 2 beneficiary or the designated beneficiary predeceased the
31 3 member.

31 4 Code section 411.6B, concerning rollovers of member's
31 5 accounts, is amended to comply with the nonspouse rollover
31 6 mandate of the federal Worker, Retiree, and Employer Recovery
31 7 Act of 2008.

31 8 Code section 411.8, concerning the financing of MFPRSI,
31 9 is amended to increase the employee contribution rate by 0.5
31 10 percentage points for four years beginning July 1, 2010, from
31 11 9.4 percent of pay, until reaching 11.4 percent beginning on
31 12 and after July 1, 2013. The Code section is also amended to
31 13 provide that the cost to cover any increase in cost to MFPRSI
31 14 resulting from any statutory changes enacted after January
31 15 1, 2011, shall be divided with 60 percent of the increased
31 16 cost paid by employers and 40 percent by the employees, if the
31 17 increased cost cannot be absorbed within the contribution rates
31 18 otherwise established.

31 19 Code section 411.9, concerning military service, is amended.

31 20 New subsection 1A provides that if a member dies while
31 21 performing qualified military service, the member shall be
31 22 treated as if the member was an active employee under MFPRSI
31 23 for purposes of determining benefits under MFPRSI arising out
31 24 of that date. This provision takes effect upon enactment and
31 25 applies to deaths occurring on or after January 1, 2007.

31 26 New subsection 1B provides that if a member who is absent
31 27 while serving in the armed services is receiving a differential
31 28 wage from the member's city, the member is treated as an
31 29 employee of the employer making the payment and an active
31 30 member of the system, the differential wage payment is treated
31 31 as earnable compensation of the member, and the system is not
31 32 treated as failing to meet the requirements of any provision
31 33 described in the federal Internal Revenue Code by reason of
31 34 any contribution or benefit which is based on the differential
31 35 wage payment. This provision takes effect upon enactment and



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32 1 applies retroactively to December 31, 2008.
32 2 Code section 411.20, concerning a state appropriation
32 3 to MFPRSI, is repealed. That Code section required an
32 4 appropriation from the general fund of the state to MFPRSI
32 5 for each fiscal year an amount necessary to finance the cost
32 6 of benefits provided in Code chapter 411 by amendments of the
32 7 Acts of the Sixty=sixth General Assembly. Code section 8.59
32 8 had frozen this appropriation to those amounts expended for the
32 9 fiscal year commencing July 1, 1992. The bill does provide
32 10 that an appropriation to MFPRSI from the general fund during FY
32 11 2010=2011 of \$1,500,000, and during FY 2011=2012 of \$750,000.
32 12 The bill also directs the MFPRSI board to conduct a
32 13 comprehensive examination of the plan design of MFPRSI and to
32 14 submit a report, by October 15, 2011, to the public retirement
32 15 systems committee concerning the results of the examination
32 16 and any other recommendations for benefit or other statutory
32 17 changes to MFPRSI.

LSB 5346IC (12) 83

ec/sc



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Senate Study Bill 3070

SENATE FILE

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY CHAIRPERSON
RIELLY)

A BILL FOR

- 1 An Act prohibiting the operation of a motor vehicle while
- 2 writing, reading, or sending a text-based electronic
- 3 communication and providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5533XC (3) 83
dea/nh



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PAG LIN

1 1 Section 1. Section 321.228, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. The provisions of sections 321.261 to 321.273, and
1 4 sections 321.277, 321.277B, and 321.280 shall apply upon
1 5 highways and elsewhere throughout the state.
1 6 Sec. 2. Section 321.233, Code Supplement 2009, is amended
1 7 to read as follows:
1 8 321.233 Road workers exempted.
1 9 This chapter, except sections 321.277, 321.277B, and
1 10 321.280, does not apply to persons and motor vehicles and other
1 11 equipment while actually engaged in work upon the surface of
1 12 a highway officially closed to traffic but does apply to such
1 13 persons and vehicles when traveling to or from such work. The
1 14 minimum speed restriction of section 321.285, subsection 5, and
1 15 the provisions of sections 321.297, 321.298, and 321.323 do
1 16 not apply to road workers operating maintenance equipment on
1 17 behalf of any state or local authority while engaged in road
1 18 maintenance, road blading, snow and ice control and removal,
1 19 and granular resurfacing work on a highway, whether or not the
1 20 highway is closed to traffic.
1 21 Sec. 3. NEW SECTION. 321.277B Writing, reading, or sending
1 22 a text-based communication while driving.
1 23 1. For purposes of this section, unless the context
1 24 otherwise requires:
1 25 a. "Electronic communication device" means an electronic
1 26 device, including but not limited to a wireless telephone, a
1 27 personal digital assistant, or a portable or mobile computer,
1 28 capable of being used for the purpose of writing, reading, or
1 29 sending a text-based communication.
1 30 b. "Text message" means a text-based communication
1 31 transmitted through the short messaging service (SMS), a
1 32 wireless telephone service, or an electronic communication
1 33 network by means of a wireless handset or other electronic
1 34 communication device.
1 35 c. "Write, read, or send a text-based communication" means



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2 1 using an electronic communication device to communicate
2 2 with any person or device using a text-based communication,
2 3 including but not limited to a text message, an instant
2 4 message, or electronic mail.
2 5 2. Except as provided in subsection 3, a person shall not
2 6 operate a motor vehicle while using an electronic communication
2 7 device to write, read, or send a text-based communication.
2 8 3. This section does not apply to the following:
2 9 a. A member of a public safety agency while using an
2 10 electronic communication device in performance of the member's
2 11 official duties.
2 12 b. A motor vehicle operator using an electronic
2 13 communication device in an emergency situation to report
2 14 illegal activity or to summon medical or emergency help.
2 15 c. A commercial motor vehicle operator reading a message
2 16 displayed on a permanently installed communication device
2 17 designed for a commercial motor vehicle.
2 18 d. A motor vehicle operator using an electronic
2 19 communication device while the motor vehicle's transmission is
2 20 in park.
2 21 e. A motor vehicle operator using a global positioning
2 22 system or navigation system that gives directions aloud.
2 23 However, a motor vehicle operator shall not enter an address
2 24 or type on the global positioning system or navigation system
2 25 while the motor vehicle is in motion.
2 26 4. A person who is convicted of a violation of this section
2 27 is guilty of a simple misdemeanor.
2 28 Sec. 4. Section 707.6A, subsection 2, Code 2009, is amended
2 29 by adding the following new paragraph:
2 30 NEW PARAGRAPH. c. Operating a motor vehicle while writing,
2 31 reading, or sending a text message in violation of section
2 32 321.277B.
2 33 Sec. 5. Section 915.80, subsection 2, Code 2009, is amended
2 34 to read as follows:
2 35 2. "Crime" means conduct that occurs or is attempted in



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3 1 this state, poses a substantial threat of personal injury or
3 2 death, and is punishable as a felony or misdemeanor, or would
3 3 be so punishable but for the fact that the person engaging in
3 4 the conduct lacked the capacity to commit the crime under the
3 5 laws of this state. "Crime" does not include conduct arising
3 6 out of the ownership, maintenance, or use of a motor vehicle,
3 7 motorcycle, motorized bicycle, train, boat, or aircraft except
3 8 for violations of section 321.261, 321.277, 321.277B, 321J.2,
3 9 462A.7, 462A.12, 462A.14, or 707.6A, or when the intention is
3 10 to cause personal injury or death. A license revocation under
3 11 section 321J.9 or 321J.12 shall be considered by the department
3 12 as evidence of a violation of section 321J.2 for the purposes
3 13 of this subchapter. A license suspension or revocation under
3 14 section 462A.14, 462A.14B, or 462A.23 shall be considered by
3 15 the department as evidence of a violation of section 462A.14
3 16 for the purposes of this subchapter.

3 17 EXPLANATION

3 18 This bill prohibits a person from operating a motor vehicle
3 19 while using an electronic communication device to write, read,
3 20 or send a text-based communication.

3 21 The bill defines "electronic communication device" to
3 22 include a wireless telephone, a personal digital assistant, or
3 23 a portable or mobile computer capable of being used to write,
3 24 read, or send a text-based communication. "Write, read, or
3 25 send a text-based communication" means using an electronic
3 26 communication device to communicate with any person or device
3 27 by means of a text message, instant message, or electronic
3 28 mail. "Text message" includes a text-based communication
3 29 transmitted through the short messaging service, a wireless
3 30 telephone service, or an electronic communication network.

3 31 The bill provides exceptions for public safety agency
3 32 personnel using an electronic communication device in
3 33 performance of official duties; a driver using an electronic
3 34 communication device in an emergency situation to report
3 35 illegal activity or to summon medical or emergency help; a



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4 1 commercial motor vehicle operator reading a message displayed
4 2 on a permanently installed communication device designed for
4 3 a commercial motor vehicle; a driver using an electronic
4 4 communication device while the motor vehicle's transmission
4 5 is in park; and a driver using a global positioning system
4 6 or navigation system that gives directions aloud, provided
4 7 the driver does not enter an address or type on the global
4 8 positioning system or navigation system while the motor vehicle
4 9 is in motion.

4 10 Current provisions applicable to the offense of reckless
4 11 driving are mirrored in the bill. The ban on the use of
4 12 an electronic communication device to send a text-based
4 13 communication applies to a motor vehicle operator on highways
4 14 and elsewhere throughout the state and applies to road workers
4 15 as well as motorists.

4 16 A driver who uses an electronic communication device to send
4 17 a text-based communication in violation of the bill commits
4 18 a simple misdemeanor. A simple misdemeanor is punishable by
4 19 confinement for no more than 30 days or a fine of at least \$65
4 20 but not more than \$625 or by both. If the violation results
4 21 in serious injury to another person the driver is guilty of
4 22 a class "D" felony. A class "D" felony is punishable by
4 23 confinement for no more than five years and a fine of at least
4 24 \$750 but not more than \$7,500. If the violation results in
4 25 the death of another person, the driver commits homicide by
4 26 vehicle, which is a class "C" felony punishable by confinement
4 27 for no more than 10 years and a fine of at least \$1,000 but not
4 28 more than \$10,000. A person charged with homicide by vehicle
4 29 is subject to driver's license suspension, and upon conviction
4 30 the person's license is revoked.

4 31 Pursuant to existing motor vehicle law, a person who
4 32 accumulates convictions for three or more specified motor
4 33 vehicle operating offenses within a six-year period is
4 34 considered a habitual offender and may be subject to driver's
4 35 license revocation for at least two years and not more than



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5 1 six years. The class "C" and "D" felonies under the bill are
5 2 included in the list of offenses to be considered for purposes
5 3 of habitual offender status.

5 4 A person convicted of a class "C" felony for homicide by
5 5 vehicle or a class "D" felony for serious injury by vehicle
5 6 is not eligible to be admitted to bail while appealing the
5 7 conviction. A person who is convicted of both homicide by
5 8 vehicle and failure to stop and remain at the scene of the
5 9 accident is required to serve at least seven-tenths of the
5 10 maximum term of confinement.

LSB 5533XC (3) 83

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Senate Study Bill 3071

SENATE FILE

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY CHAIRPERSON
RIELLY)

A BILL FOR

1 An Act relating to intermediate driver's licenses and special
2 minor's licenses, making a penalty applicable, and including
3 effective date provisions.

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

TLSB 5293XC (7) 83

dea/nh



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Senate Study Bill 3071 continued

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1 1 Section 1. Section 321.180B, subsections 2 and 3, Code
1 2 Supplement 2009, are amended to read as follows:
1 3 2. Intermediate license.
1 4 a. The department may issue an intermediate driver's license
1 5 to a person sixteen or seventeen years of age who possesses an
1 6 instruction permit issued under subsection 1 or a comparable
1 7 instruction permit issued by another state for a minimum of
1 8 ~~six~~ twelve months immediately preceding application, and
1 9 who presents an affidavit signed by a parent, guardian, or
1 10 custodian on a form to be provided by the department that the
1 11 permittee has accumulated a total of twenty hours of street
1 12 or highway driving of which two hours were conducted after
1 13 sunset and before sunrise and the street or highway driving was
1 14 with the permittee's parent, guardian, custodian, instructor,
1 15 a person certified by the department, or a person at least
1 16 twenty-five years of age who had written permission from a
1 17 parent, guardian, or custodian to accompany the permittee, and
1 18 whose driving privileges have not been suspended, revoked,
1 19 or barred under this chapter or chapter 321J during, and
1 20 who has been accident and violation free continuously for,
1 21 the ~~six-month~~ twelve-month period immediately preceding the
1 22 application for an intermediate license. An applicant for an
1 23 intermediate license must meet the requirements of section
1 24 321.186, including satisfactory completion of driver education
1 25 as required in section 321.178, and payment of the required
1 26 license fee before an intermediate license will be issued.
1 27 A Unless accompanied in accordance with subsection 1, a person
1 28 issued an intermediate license must limit the number of
1 29 unrelated minor passengers in the motor vehicle when the
1 30 intermediate licensee is operating the motor vehicle to ~~the~~
~~1 31 number of passenger safety belts one. For purposes of this~~
1 32 subsection, "unrelated minor passenger" means a passenger who is
1 33 under twenty-one years of age and who is not a sibling of the
1 34 driver, a stepsibling of the driver, or a child who resides in
1 35 the same household as the driver.



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2 1 b. Except as otherwise provided, a person issued an
2 2 intermediate license under this subsection who is operating
2 3 a motor vehicle between the hours of ~~twelve-thirty a.m. ten~~
2 4 p.m. and five a.m. must be accompanied by a person issued a
2 5 driver's license valid for the vehicle operated who is the
2 6 parent, guardian, or custodian of the ~~permittee intermediate~~
2 7 licensee, a member of the ~~permittee's intermediate~~
2 8 licensee's immediate family if the family member is at
2 9 least twenty-one years of age, an approved driver education
2 10 instructor, a prospective driver education instructor who
2 11 is enrolled in a practitioner preparation program with a
2 12 safety education program approved by the state board of
2 13 education, or a person at least twenty-five years of age if
2 14 written permission is granted by the parent, guardian, or
2 15 custodian, and who is actually occupying a seat beside the
2 16 driver. However, a licensee may operate a vehicle to and from
2 17 school-related extracurricular activities and work without an
2 18 accompanying driver between the hours of ~~twelve-thirty a.m. ten~~
2 19 p.m. and five a.m. if ~~such~~ the licensee possesses a waiver
2 20 on a form to be provided by the department. An accompanying
2 21 driver is not required between the hours of five a.m. and
2 22 ~~twelve-thirty a.m. ten~~ p.m.
2 23 3. Remedial driver improvement action == suspension of
2 24 permit, intermediate license, or full license. A person who has
2 25 been issued an instruction permit, an intermediate license, or
2 26 a full driver's license under this section, upon conviction of
2 27 a moving traffic violation or involvement in a motor vehicle
2 28 accident which occurred during the term of the instruction
2 29 permit or intermediate license, shall be subject to remedial
2 30 driver improvement action or suspension of the permit or
2 31 current license. A person possessing an instruction permit who
2 32 has been convicted of a moving traffic violation or has been
2 33 involved in an accident shall not be issued an intermediate
2 34 license until the person has completed the remedial driver
2 35 improvement action and has been accident and violation free



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3 1 continuously for the ~~six-month~~ twelve-month period immediately
3 2 preceding the application for the intermediate license. A
3 3 person possessing an intermediate license who has been
3 4 convicted of a moving traffic violation or has been involved in
3 5 an accident shall not be issued a full driver's license until
3 6 the person has completed the remedial driver improvement action
3 7 and has been accident and violation free continuously for the
3 8 twelve-month period immediately preceding the application for a
3 9 full driver's license.

3 10 Sec. 2. Section 321.194, subsection 1, Code Supplement
3 11 2009, is amended by adding the following new paragraph:
3 12 NEW PARAGRAPH. Ob. Unless accompanied in accordance with
3 13 section 321.180B, subsection 1, a person issued a driver's
3 14 license pursuant to this section must limit the number of
3 15 unrelated minor passengers in the motor vehicle when the
3 16 licensee is operating the motor vehicle to one. For purposes
3 17 of this section, "unrelated minor passenger" means a passenger
3 18 who is under twenty-one years of age and who is not a sibling of
3 19 the driver, a stepsibling of the driver, or a child who resides
3 20 in the same household as the driver.

3 21 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
3 22 2011.

3 23 EXPLANATION

3 24 This bill amends provisions relating to intermediate
3 25 driver's licenses under the graduated driver licensing program
3 26 and to special minor's licenses issued for travel to and from
3 27 school.

3 28 Under the graduated driver licensing program, a person who
3 29 is 16 or 17 years of age must possess an instruction permit
3 30 for a minimum of six months and be accident and violation
3 31 free continuously during that six-month period to qualify for
3 32 an intermediate license. The bill increases the required
3 33 period of possession of an instruction permit to 12 months
3 34 and requires the person to be accident and violation free
3 35 continuously during that 12-month period. The bill requires



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4 1 that a person with an intermediate license who is operating a
4 2 motor vehicle between the hours of 10:00 p.m.and 5:00 a.m.
4 3 be accompanied by a person licensed to drive the vehicle
4 4 operated who is the parent, guardian, or custodian of the
4 5 intermediate licensee, a family member who is at least 21
4 6 years of age, an approved driver education instructor, a
4 7 prospective driver education instructor who is enrolled in
4 8 a qualifying practitioner preparation program, or a person
4 9 at least 25 years of age with the written permission of the
4 10 parent, guardian, or custodian of the intermediate licensee and
4 11 who is occupying a seat beside the driver. If the intermediate
4 12 licensee is operating a motorcycle, the accompanying person
4 13 must be on or in a different motor vehicle and be within
4 14 audible and visual communication distance from the intermediate
4 15 licensee. Existing law requires an intermediate licensee to be
4 16 accompanied when driving between the hours of 12:30 a.m.and
4 17 5:00 a.m.

4 18 Under current law, an intermediate licensee may transport
4 19 as many passengers as there are seatbelts in the vehicle, but
4 20 there is no passenger restriction specified for a driver with
4 21 a special minor's license. The bill imposes new passenger
4 22 restrictions for licensees in both categories. Unless
4 23 accompanied by a licensed driver as described above, a person
4 24 with an intermediate license or a special minor's license may
4 25 not operate a motor vehicle with more than one unrelated minor
4 26 passenger in the vehicle. The bill defines "unrelated minor
4 27 passenger" as a passenger under 21 years of age who is not a
4 28 sibling or stepsibling of the driver or a child who resides in
4 29 the same household as the driver.

4 30 A violation of intermediate driver's license restrictions or
4 31 special minor's license restrictions is a simple misdemeanor
4 32 punishable by a scheduled fine of \$30.

4 33 The bill takes effect January 1, 2011.

LSB 5293XC (7) 83

dea/nh



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Senate Study Bill 3072

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act relating to the field services organization for the
2 department of human services and including effective date
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5350XD (5) 83
jp/nh



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1 1 Section 1. Section 217.42, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. The organizational structure to deliver the department's
1 4 field services shall be based upon service areas designated by
1 5 the department. The service areas shall serve as a basis for
1 6 providing field services to persons residing in the counties
1 7 comprising the service area. ~~The service areas shall be those~~
~~1 8 designated by the department effective January 1, 2002. In~~
~~1 9 determining the service areas, the department shall consider~~
~~1 10 other geographic service areas including but not limited to~~
~~1 11 judicial districts and community empowerment areas. The~~
~~1 12 department shall consult with the county boards of supervisors~~
~~1 13 in a service area with respect to the selection of the service~~
~~1 14 area manager responsible for the service area who is initially~~
~~1 15 selected for the service area designated effective January 1,~~
~~1 16 2002, and any service area manager selected for the service~~
~~1 17 area thereafter. Following establishment of the service areas~~
~~1 18 effective January 1, 2002, if a county seeks to change the~~
~~1 19 boundaries of a service area, the change shall only take place~~
~~1 20 if the change is mutually agreeable to the department and all~~
~~1 21 affected counties. If it is necessary for the department to~~
~~1 22 significantly modify its field operations or the composition~~
~~1 23 of a designated service area, or if it is necessary for the~~
~~1 24 department to change the number of offices operating less than~~
~~1 25 full-time, the department shall consult with the affected~~
~~1 26 counties prior to implementing such action.~~
1 27 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 28 immediate importance, takes effect upon enactment.
1 29 EXPLANATION
1 30 This bill relates to the field services organization for
1 31 the department of human services under Code section 217.42,
1 32 providing for service areas to be designated by the department.
1 33 The bill eliminates other language limiting the field
1 34 services organization to the service areas designated as of
1 35 January 1, 2002, requiring consideration of other geographic



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2 1 service areas, requiring consultation with county boards of
2 2 supervisors regarding selection of service area managers,
2 3 providing a procedure for counties seeking to change the
2 4 boundaries of a service area, and requiring consultation with
2 5 affected counties if it is necessary for the department to
2 6 significantly modify service areas or related operations.
2 7 The bill takes effect upon enactment.

LSB 5350XD (5) 83

jp/nh



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Senate Study Bill 3073

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act relating to the IowaCare program, and providing for
2 repeals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 5354XD (10) 83
 pf/nh



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1 1 DIVISION I
1 2 IOWACARE PROGRAM UPDATE
1 3 Section 1. Section 249J.5, subsections 1, 2, 7, 8, and 9,
1 4 Code 2009, are amended to read as follows:
1 5 1. Except as otherwise provided in this chapter, an
1 6 individual nineteen through sixty-four years of age shall
1 7 be eligible solely for the expansion population benefits
1 8 described in this chapter when provided through the expansion
1 9 population provider network as described in this chapter, if
1 10 the individual meets all of the following conditions:
1 11 a. The individual is not eligible for coverage under the
1 12 medical assistance program ~~in effect on or after April 1, 2005.~~
1 13 b. The individual has a family income at or below two
1 14 hundred percent of the federal poverty level as defined by the
1 15 most recently revised poverty income guidelines published by
1 16 the United States department of health and human services.
1 17 c. The individual fulfills all other conditions of
1 18 participation for the expansion population described in this
1 19 chapter, including requirements relating to personal financial
1 20 responsibility.
1 21 2. Individuals otherwise eligible solely for family
1 22 planning benefits authorized under the medical assistance
1 23 family planning services waiver, ~~effective January 1, 2005,~~
~~1 24 as described in 2004 Iowa Acts, chapter 1175, section 116,~~
~~1 25 subsection 8,~~ may also be eligible for expansion population
1 26 benefits provided through the expansion population provider
1 27 network.
1 28 ~~7. The department shall contract with the county general~~
~~1 29 assistance directors to perform intake functions for the~~
~~1 30 expansion population, but only at the discretion of the~~
~~1 31 individual county general assistance director.~~
1 32 ~~8.~~ 7. If the department provides intake services at the
1 33 location of a provider included in the expansion population
1 34 provider network, the department shall consider subcontracting
1 35 with local nonprofit agencies to promote greater understanding



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2 1 between providers, under the medical assistance program and
2 2 included in the expansion population provider network, and
2 3 their recipients and members.

2 4 ~~9.~~ 8. Following initial enrollment, an expansion
2 5 population member shall reenroll annually by the last day of
2 6 the month preceding the month in which the expansion population
2 7 member initially enrolled. The department may provide a
2 8 process for automatic reenrollment of expansion population
2 9 members.

2 10 Sec. 2. Section 249J.6, subsection 1, unnumbered paragraph
2 11 1, Code 2009, is amended to read as follows:

2 12 ~~Beginning July 1, 2005, the~~ The expansion population shall
2 13 be eligible for all of the following expansion population
2 14 services:

2 15 Sec. 3. Section 249J.6, subsection 2, Code 2009, is amended
2 16 to read as follows:

2 17 2. a. Each expansion population member ~~who enrolls~~
~~or reenrolls in the expansion population on or after~~
~~January 31, 2007,~~ shall ~~participate, in conjunction with~~
~~receiving~~ receive a single comprehensive medical examination
2 21 and ~~completing a personal health improvement plan, in a~~
~~health risk assessment coordinated by a health consortium~~
~~representing providers, consumers, and medical education~~
~~institutions~~ annually. The ~~criteria for the~~ department may
2 25 implement a web-based health risk assessment, the comprehensive
~~medical examination, and the personal health improvement plan~~
~~shall be developed and applied in a manner that takes into~~
~~consideration cultural variations that may exist within the~~
~~expansion population for expansion population members that~~
2 30 may include facilitation, if deemed to be cost-effective to
2 31 the program. The health risk assessment shall utilize a
2 32 gender-specific approach. In developing the queries unique to
2 33 women, a clinical advisory team shall be utilized that includes
2 34 women's health professionals including but not limited to those
2 35 with specialties in obstetrics and gynecology, endocrinology,



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~~3 1 mental health, behavioral health, oncology, cardiology, and~~
~~3 2 rheumatology.~~
3 3 b. The health risk assessment shall be a web-based
~~3 4 electronic system capable of capturing and integrating basic~~
~~3 5 data to provide an individualized personal health improvement~~
~~3 6 plan for each expansion population member. The health risk~~
~~3 7 assessment shall provide a preliminary diagnosis of current and~~
~~3 8 prospective health conditions and recommendations for improving~~
~~3 9 health conditions with an individualized wellness program. The~~
~~3 10 health risk assessment shall be made available to the expansion~~
~~3 11 population member and the provider specified in paragraph~~
~~3 12 "c" who performs the comprehensive medical examination and~~
~~3 13 provides the individualized personal health improvement plan.~~
3 14 e. The single comprehensive medical examination and
~~3 15 personal health improvement plan may be provided by an~~
~~3 16 expansion population provider network physician, advanced~~
~~3 17 registered nurse practitioner, or physician assistant or any~~
~~3 18 other physician, advanced registered nurse practitioner, or~~
~~3 19 physician assistant, available to any full benefit recipient~~
~~3 20 including but not limited to such providers available through~~
~~3 21 a free clinic or rural health clinic under a contract with~~
~~3 22 the department to provide these services, through federally~~
~~3 23 qualified health centers that employ a physician, or through~~
~~3 24 any other nonprofit agency qualified or deemed to be qualified~~
~~3 25 by the department to perform these services.~~
3 26 d. Following completion of an initial health risk
~~3 27 assessment, comprehensive medical examination, and personal~~
~~3 28 health improvement plan, an expansion population member may~~
~~3 29 complete subsequent assessments, examinations, or plans with~~
~~3 30 the recommendation and approval of a provider specified in~~
~~3 31 paragraph "c".~~
3 32 e. b. Refusal of an expansion population member to
3 33 participate in a health risk assessment, comprehensive medical
3 34 examination, or personal health improvement plan or any health
3 35 risk assessment implemented by the department, shall not be a



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4 1 basis for ineligibility for or disenrollment from the expansion
4 2 population.

4 3 Sec. 4. Section 249J.6, subsection 3, Code 2009, is amended
4 4 to read as follows:

4 5 3. ~~Beginning no later than July 1, 2006, expansion~~
4 6 Expansion population members shall be provided ~~all of the~~
4 7 ~~following:~~

4 8 a. ~~Access to a pharmacy assistance clearinghouse program~~
4 9 ~~to match expansion population members with free or discounted~~
4 10 ~~prescription drug programs provided by the pharmaceutical~~
4 11 ~~industry.~~

4 12 b. Access access to a medical information hotline,
4 13 accessible twenty-four hours per day, seven days per week,
4 14 to assist expansion population members in making appropriate
4 15 choices about the use of emergency room and other health care
4 16 services.

4 17 Sec. 5. Section 249J.7, subsection 1, Code 2009, is amended
4 18 to read as follows:

4 19 1. Expansion population members shall only be eligible
4 20 to receive expansion population services through a provider
4 21 included in the expansion population provider network. Except
4 22 as otherwise provided in this chapter, the expansion population
4 23 provider network shall be limited to a publicly owned acute
4 24 care teaching hospital located in a county with a population
4 25 over three hundred fifty thousand, and the university of Iowa
4 26 hospitals and clinics, ~~and the state hospitals for persons with~~
4 27 ~~mental illness designated pursuant to section 226.1 with the~~
4 28 ~~exception of the programs at such state hospitals for persons~~
4 29 ~~with mental illness that provide substance abuse treatment,~~
4 30 ~~serve geropsychiatric patients, or treat sexually violent~~
4 31 ~~predators.~~

4 32 Sec. 6. Section 249J.8, Code 2009, is amended to read as
4 33 follows:

4 34 249J.8 Expansion population members == financial
4 35 participation.



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5 1 1. Each expansion population member whose family income
5 2 exceeds one hundred percent of the federal poverty level as
5 3 defined by the most recently revised poverty income guidelines
5 4 published by the United States department of health and human
5 5 services shall pay a monthly premium not to exceed one-twelfth
5 6 of five percent of the member's annual family income. Each
5 7 expansion population member whose family income is equal to or
5 8 less than one hundred percent of the federal poverty level as
5 9 defined by the most recently revised poverty income guidelines
5 10 published by the United States department of health and human
5 11 services shall not be subject to payment of a monthly premium.
5 12 All premiums shall be paid ~~on the last day~~ prior to the first
5 13 day of the month of coverage. The department shall deduct the
5 14 amount of any monthly premiums paid by an expansion population
5 15 member for benefits under the healthy and well kids in Iowa
5 16 program when computing the amount of monthly premiums owed
5 17 under this subsection. An expansion population member shall
5 18 ~~pay~~ respond to the monthly premium notices either through
5 19 timely payment or a request for a hardship exemption during the
5 20 entire period of the member's enrollment. Regardless of the
5 21 length of enrollment, the member is subject to payment of the
5 22 premium for a minimum of four consecutive months. However, an
5 23 expansion population member who complies with the requirement
5 24 of payment of the premium for a minimum of four consecutive
5 25 months during a consecutive twelve-month period of enrollment
5 26 shall be deemed to have complied with this requirement for
5 27 the subsequent consecutive twelve-month period of enrollment
5 28 and shall only be subject to payment of the monthly premium
5 29 on a month-by-month basis. Timely payment of premiums,
5 30 including any arrearages accrued from prior enrollment, is
5 31 a condition of receiving any expansion population services.
5 32 The payment to and acceptance by an automated case management
5 33 system or the department of the premium required under this
5 34 subsection shall not automatically confer initial or continuing
5 35 program eligibility on an individual. A premium paid to and



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6 1 accepted by the department's premium payment process that is
6 2 subsequently determined to be untimely or to have been paid
6 3 on behalf of an individual ineligible for the program shall
6 4 be refunded to the remitter in accordance with rules adopted
6 5 by the department. Premiums collected under this subsection
6 6 shall be deposited in the premiums subaccount of the account
6 7 for health care transformation created pursuant to section
6 8 249J.23. An expansion population member shall also pay the
6 9 same copayments required of other adult recipients of medical
6 10 assistance.

6 11 2. The department may reduce the required out-of-pocket
6 12 expenditures for an individual expansion population member
6 13 based upon the member's increased wellness activities such
6 14 as smoking cessation or compliance with the personal health
6 15 improvement plan completed by the member. The department shall
6 16 also waive the required out-of-pocket expenditures for an
6 17 individual expansion population member based upon a hardship
6 18 that would accrue from imposing such required expenditures.
6 19 Information regarding the premium payment obligation and
6 20 the hardship exemption, including the process by which a
6 21 prospective enrollee may apply for the hardship exemption,
6 22 shall be provided to a prospective enrollee at the time of
6 23 application. The prospective enrollee shall acknowledge, in
6 24 writing, receipt and understanding of the information provided.

~~6 25 3. The department shall submit to the governor and the
6 26 general assembly by March 15, 2006, a design for each of the
6 27 following:~~

~~6 28 a. An insurance cost subsidy program for expansion
6 29 population members who have access to employer health insurance
6 30 plans, provided that the design shall require that no less than
6 31 fifty percent of the cost of such insurance shall be paid by
6 32 the employer.~~

~~6 33 b. A health care account program option for individuals
6 34 eligible for enrollment in the expansion population. The
6 35 health care account program option shall be available only~~



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~~7 1 to adults who have been enrolled in the expansion population
7 2 for at least twelve consecutive calendar months. Under the
7 3 health care account program option, the individual would
7 4 agree to exchange one year's receipt of benefits under the
7 5 expansion population, to which the individual would otherwise
7 6 be entitled, for a credit to obtain any medical assistance
7 7 program covered service up to a specified amount. The balance
7 8 in the health care account at the end of the year, if any, would
7 9 be available for withdrawal by the individual.~~

7 10 4. 3. The department shall track the impact of
~~7 11 the out-of-pocket expenditures on~~ by expansion population
7 12 enrollment members and shall report the findings data on
7 13 at least a quarterly basis to the medical assistance
~~7 14 projections and assessment council established pursuant
7 15 to section 249J.20 the department's internet website. The
7 16 findings report shall include estimates of the number of
7 17 expansion population members complying and not complying with
7 18 payment of required out-of-pocket expenditures, the number
7 19 of expansion population members not complying with payment
7 20 of required out-of-pocket expenditures and the reasons for
7 21 noncompliance, any impact as a result of the out-of-pocket
7 22 requirements on the provision of services to the populations
7 23 previously served, the administrative time and cost associated
7 24 with administering the out-of-pocket requirements, and
7 25 the benefit to the state resulting from the out-of-pocket
7 26 expenditures.~~ To the extent possible, the department shall
7 27 track the income level of the member, the health condition of
7 28 the member, and the family status of the member relative to the
7 29 out-of-pocket information.

7 30 Sec. 7. Section 249J.9, Code 2009, is amended to read as
7 31 follows:

7 32 249J.9 Future ~~expansion population,~~ benefits, and provider
7 33 network growth.

7 34 1. ~~Population.~~ The department shall contract with the
~~7 35 division of insurance of the department of commerce or another~~



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~~8 1 appropriate entity to track, on an annual basis, the number of
8 2 uninsured and underinsured Iowans, the cost of private market
8 3 insurance coverage, and other barriers to access to private
8 4 insurance for Iowans. Based on these findings and available
8 5 funds, the department shall make recommendations, annually,
8 6 to the governor and the general assembly regarding further
8 7 expansion of the expansion population.~~

8 8 ~~2.~~ 1. Benefits.

8 9 a. The department shall not provide services to expansion
8 10 population members that are in addition to the services
8 11 originally designated by the department pursuant to section
8 12 249J.6, without express authorization provided by the general
8 13 assembly.

8 14 b. The department, upon the recommendation of the clinicians
8 15 advisory panel established pursuant to section 249J.18, may
8 16 change the scope and duration of any of the available expansion
8 17 population services, but this subsection shall not be construed
8 18 to authorize the department to make expenditures in excess
8 19 of the amount appropriated for benefits for the expansion
8 20 population.

8 21 ~~3.~~ 2. Expansion population provider network.

8 22 a. The department shall not expand the expansion population
8 23 provider network unless the department is able to pay for
8 24 expansion population services provided by such providers at the
8 25 full benefit recipient rates.

8 26 b. The department may limit access to the expansion
8 27 population provider network by the expansion population to the
8 28 extent the department deems necessary to meet the financial
8 29 obligations to each provider under the expansion population
8 30 provider network. This subsection shall not be construed to
8 31 authorize the department to make any expenditure in excess
8 32 of the amount appropriated for benefits for the expansion
8 33 population.

8 34 Sec. 8. Section 249J.10, subsection 2, Code 2009, is amended
8 35 to read as follows:



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9 1 2. The department ~~of human services shall~~ may include in
9 2 its annual budget submission, recommendations relating to a
9 3 disproportionate share hospital and graduate medical education
9 4 allocation plan that maximizes the availability of federal
9 5 funds for payments to hospitals for the care and treatment of
9 6 indigent patients.

9 7 Sec. 9. Section 249J.11, Code 2009, is amended to read as
9 8 follows:

9 9 249J.11 Nursing facility level of care determination for
9 10 facility-based and community-based services.

9 11 The department shall amend the medical assistance state plan
9 12 to provide for all of the following:

9 13 1. That nursing facility level of care services under the
9 14 medical assistance program shall be available to an individual
9 15 admitted to a nursing facility ~~on or after July 1, 2005~~, who
9 16 meets eligibility criteria for the medical assistance program
9 17 pursuant to section 249A.3, if the individual also meets any of
9 18 the following criteria:

9 19 a. Based upon the minimum data set, the individual requires
9 20 limited assistance, extensive assistance, or has total
9 21 dependence on assistance, provided by the physical assistance
9 22 of one or more persons, with three or more activities of daily
9 23 living as defined by the minimum data set, section G, entitled
9 24 "physical functioning and structural problems".

9 25 b. Based on the minimum data set, the individual requires
9 26 the establishment of a safe, secure environment due to moderate
9 27 or severe impairment of cognitive skills for daily decision
9 28 making.

9 29 c. The individual has established a dependency requiring
9 30 residency in a medical institution for more than one year.

9 31 2. That ~~an individual admitted to a nursing facility~~
~~9 32 prior to July 1, 2005, and an individual applying for home~~
9 33 and community-based services waiver services at the nursing
9 34 facility level of care ~~on or after July 1, 2005~~, who meets
9 35 the eligibility criteria for the medical assistance program



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10 1 pursuant to section 249A.3, shall also meet any of the
10 2 following criteria:
10 3 a. Based on the minimum data set, the individual requires
10 4 supervision, or limited assistance, provided on a daily basis
10 5 by the physical assistance of at least one person, for dressing
10 6 and personal hygiene activities of daily living as defined by
10 7 the minimum data set, section G, entitled "physical functioning
10 8 and structural problems".
10 9 b. Based on the minimum data set, the individual requires
10 10 the establishment of a safe, secure environment due to modified
10 11 independence or moderate impairment of cognitive skills for
10 12 daily decision making.
10 13 3. That, ~~beginning July 1, 2005,~~ if nursing facility
10 14 level of care is determined to be medically necessary for an
10 15 individual and the individual meets the nursing facility level
10 16 of care requirements for home and community-based services
10 17 waiver services under subsection 2, but appropriate home and
10 18 community-based services are not available to the individual in
10 19 the individual's community at the time of the determination or
10 20 the provision of available home and community-based services
10 21 to meet the skilled care requirements of the individual is not
10 22 cost-effective, the criteria for admission of the individual to
10 23 a nursing facility for nursing facility level of care services
10 24 shall be the criteria in effect on June 30, ~~2005~~ 2010. The
10 25 department of human services shall establish the standard for
10 26 determining cost-effectiveness of home and community-based
10 27 services under this subsection.
10 28 4. The department shall develop a process to allow
10 29 individuals identified under subsection 3 to be served under
10 30 the home and community-based services waiver at such time as
10 31 appropriate home and community-based services become available
10 32 in the individual's community.
10 33 Sec. 10. Section 249J.13, Code 2009, is amended to read as
10 34 follows:
10 35 249J.13 Children's mental health waiver services.



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11 1 The department shall provide medical assistance waiver
11 2 services to ~~not more than three hundred~~ children who meet
11 3 the eligibility criteria for the medical assistance program
11 4 pursuant to section 249A.3, and also meet the criteria
11 5 specified in section 234.7, subsection 2.
11 6 Sec. 11. Section 249J.14, Code 2009, is amended to read as
11 7 follows:
11 8 249J.14 Health promotion partnerships.
11 9 ~~1. Services for adults at state mental health~~
~~11 10 institutes. Beginning July 1, 2005, inpatient and outpatient~~
~~11 11 hospital services at the state hospitals for persons with~~
~~11 12 mental illness designated pursuant to section 226.1 shall be~~
~~11 13 covered services under the medical assistance program.~~
11 14 2. 1. Dietary counseling. By July 1, 2006 If a
11 15 cost-effective strategy with a measurable return on investment
11 16 or an impact on health care outcomes is identified, the
11 17 department shall may design and begin implementation
~~11 18 of implement a strategy to provide dietary counseling and~~
11 19 support to child and adult recipients of medical assistance and
11 20 to expansion population members to assist these recipients and
11 21 members in avoiding excessive weight gain or loss and to assist
11 22 in development of personal weight loss programs for recipients
11 23 and members determined by the recipient's or member's health
11 24 care provider to be clinically overweight.
11 25 3. 2. Electronic medical records Medical assistance
11 26 health information technology program. By October 1, 2006,
~~11 27 the The department shall develop a practical strategy for~~
~~11 28 expanding utilization of electronic medical recordkeeping~~
~~11 29 by providers under the medical assistance program and the~~
~~11 30 expansion population provider network. The plan shall~~
~~11 31 focus, initially, on medical assistance program recipients~~
~~11 32 and expansion population members whose quality of care would~~
~~11 33 be significantly enhanced by the availability of medical~~
11 34 assistance health information technology program for promoting
11 35 the adoption and meaningful use of electronic medical



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12 1 recordkeeping by providers under the medical assistance program
12 2 and the Iowa Medicaid enterprise pursuant to the federal
12 3 American Recovery and Reinvestment Act of 2009, Pub.L. No.
12 4 111-5. The department shall do all of the following:
12 5 a. Design and implement a program for distribution
12 6 and monitoring of provider incentive payments, including
12 7 development of a definition of "meaningful use" for purposes
12 8 of promoting the use of electronic medical recordkeeping by
12 9 providers. The department shall develop this program in
12 10 collaboration with the department of public health and the
12 11 electronic health information advisory council and executive
12 12 committee created pursuant to section 135.156.
12 13 b. Develop the medical assistance health information
12 14 technology plan as required by the centers for Medicare and
12 15 Medicaid services of the United States department of health and
12 16 human services. The plan shall provide detailed implementation
12 17 plans for the medical assistance program for promotion of the
12 18 adoption and meaningful use of health information technology by
12 19 medical assistance providers and the Iowa Medicaid enterprise.
12 20 The plan shall include the integration of health information
12 21 technology and health information exchange with the medical
12 22 assistance management information system. The plan shall be
12 23 developed in collaboration with the department of public health
12 24 and the electronic health information advisory council and
12 25 executive committee created pursuant to section 135.156.
12 26 ~~4. 3. Provider incentive payment programs. By January 1,~~
~~12 27 2007 If a cost-effective strategy with a measurable return on~~
12 28 investment or an impact on health care outcomes is identified,
12 29 the department shall may design and implement a provider
12 30 incentive payment program for providers under the medical
12 31 assistance program and providers included in the expansion
12 32 population provider network based upon evaluation of public and
~~12 33 private sector models.~~
12 34 ~~5. Health assessment for medical assistance recipients~~
~~12 35 with mental retardation or developmental disabilities. The~~



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~~13 1 department shall work with the university of Iowa colleges of
13 2 medicine, dentistry, nursing, pharmacy, and public health,
13 3 and the university of Iowa hospitals and clinics to determine
13 4 whether the physical and dental health of recipients of
13 5 medical assistance who are persons with mental retardation
13 6 or developmental disabilities are being regularly and
13 7 fully addressed and to identify barriers to such care. The
13 8 department shall report the department's findings to the
13 9 governor and the general assembly by January 1, 2007.~~

13 10 ~~6.~~ 4. Smoking cessation. The department, in collaboration
13 11 with Iowa department of public health programs relating to
13 12 tobacco use prevention and cessation, shall implement a program
13 13 with the goal of reducing smoking among recipients of medical
13 14 assistance who are children to less than one percent and among
13 15 recipients of medical assistance and expansion population
13 16 members who are adults to less than ten percent, by July 1,
~~13 17 2007.~~

13 18 ~~7.~~ 5. Dental home for children. The department shall
13 19 enter into an interagency agreement with the department of
13 20 public health for infrastructure development and oral health
13 21 coordination services for recipients of medical assistance
13 22 to increase access to dental care for medical assistance
13 23 recipients. By December 31, ~~2010~~ 2011, every recipient of
13 24 medical assistance who is a child twelve years of age or
13 25 younger shall have a designated dental home and shall be
13 26 provided with the dental screenings, preventive services,
13 27 diagnostic services, treatment services, and emergency services
13 28 as defined under the early and periodic screening, diagnostic,
13 29 and treatment program.

13 30 ~~8.~~ 6. Reports. The department shall issue a report on
13 31 the department's internet website on a quarterly basis to
~~13 32 the medical assistance projections and assessment council~~
~~13 33 established pursuant to section 249J.20 and the medical~~
~~13 34 assistance advisory council created pursuant to section~~
~~13 35 249A.4B,~~ regarding the any changes or updates to the health



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14 1 promotion partnerships described in this section. To the
14 2 greatest extent feasible, and if applicable to a data set,
14 3 the data reported shall include demographic information
14 4 concerning the population served including but not limited to
14 5 ~~factors, such as race and~~ economic status, as specified by the
14 6 department.

14 7 Sec. 12. Section 249J.16, Code 2009, is amended to read as
14 8 follows:

14 9 249J.16 Cost and quality performance evaluation.

14 10 ~~Beginning July 1, 2005, the~~ The department shall ~~contract~~
14 11 ~~with an independent consulting firm to do all of the following:~~

14 12 1. Annually Prior to initiating reprocurement of Iowa
14 13 Medicaid enterprise contracts, evaluate and compare the cost
14 14 and quality of care provided by the medical assistance program
14 15 and through the expansion population with the cost and quality
14 16 of care available through private insurance and managed care
14 17 organizations doing business in the state.

14 18 2. Annually evaluate the improvements by the medical
14 19 assistance program and the expansion population in the cost
14 20 and quality of services provided to Iowans over the cost and
14 21 quality of care provided in the prior year.

14 22 Sec. 13. Section 249J.17, Code 2009, is amended to read as
14 23 follows:

14 24 249J.17 Operations == performance evaluation.

14 25 ~~Beginning July 1, 2006, the~~ The department shall
14 26 ~~submit~~ publish on its internet website a report of the ~~results~~
14 27 ~~of an evaluation of the performance of each component of the~~
14 28 Iowa Medicaid enterprise using the performance standards
14 29 contained in the contracts with the Iowa Medicaid enterprise
14 30 partners.

14 31 Sec. 14. Section 249J.18, Code 2009, is amended to read as
14 32 follows:

14 33 249J.18 Clinicians advisory panel == clinical management.

14 34 1. ~~Beginning July 1, 2005, the~~ The medical director
14 35 of the Iowa Medicaid enterprise, with the approval of the



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15 1 administrator of the division of medical services of the
15 2 department, shall assemble and act as chairperson for a
15 3 clinicians advisory panel to recommend to the department
15 4 clinically appropriate health care utilization management and
15 5 coverage decisions for the medical assistance program and the
15 6 expansion population which are not otherwise addressed by the
15 7 Iowa medical assistance drug utilization review commission
15 8 created pursuant to section 249A.24 or the medical assistance
15 9 pharmaceutical and therapeutics committee established pursuant
15 10 to section 249A.20A. The meetings shall be conducted in
15 11 accordance with chapter 21 and shall be open to the public
15 12 except to the extent necessary to prevent the disclosure of
15 13 confidential medical information.

~~15 14 2. The medical director of the Iowa Medicaid enterprise
15 15 shall report on a quarterly basis to the medical assistance
15 16 projections and assessment council established pursuant to
15 17 section 249J.20 and the medical assistance advisory council
15 18 created pursuant to section 249A.4B, any recommendations made
15 19 by the panel and adopted by rule of the department pursuant
15 20 to chapter 17A regarding clinically appropriate health
15 21 care utilization management and coverage under the medical
15 22 assistance program and the expansion population.~~

15 23 3. 2. The medical director of the Iowa Medicaid enterprise
15 24 shall prepare an annual report summarizing the recommendations
15 25 made by the panel and adopted by rule of the department
15 26 regarding clinically appropriate health care utilization
15 27 management and coverage under the medical assistance program
15 28 and the expansion population.

15 29 Sec. 15. Section 249J.19, Code 2009, is amended to read as
15 30 follows:

15 31 249J.19 Health care services pricing and reimbursement of
15 32 providers.

15 33 The department ~~shall~~ may annually collect data on
15 34 third-party payor rates in the state and, as appropriate,
15 35 the usual and customary charges of health care providers,



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16 1 including the reimbursement rates paid to providers and by
16 2 third-party payors participating in the medical assistance
16 3 program and through the expansion population. The department
16 4 shall consult with the division of insurance of the department
16 5 of commerce in adopting administrative rules specifying the
16 6 reporting format and guaranteeing the confidentiality of the
16 7 information provided by the providers and third-party payors.
16 8 ~~The~~ If collected, the department shall review the data and
16 9 make recommendations to the governor and the general assembly
16 10 regarding pricing changes and reimbursement rates annually
16 11 by January 1. Any recommended pricing changes or changes in
16 12 reimbursement rates shall not be implemented without express
16 13 authorization by the general assembly.

16 14 Sec. 16. Section 249J.21, Code 2009, is amended to read as
16 15 follows:

16 16 249J.21 Payments to health care providers ~~based on actual~~
~~16 17 costs.~~

~~16 18 Payments, including graduate medical education payments,~~
~~16 19 under the medical assistance program and the expansion~~
~~16 20 population to each public hospital and each public nursing~~
~~16 21 facility shall not exceed the actual medical assistance costs~~
~~16 22 of each such facility reported on the Medicare hospital and~~
~~16 23 hospital health care complex cost report submitted to the~~
~~16 24 centers for Medicare and Medicaid services of the United States~~
~~16 25 department of health and human services.~~ Each public hospital
16 26 and each public nursing facility shall retain one hundred
16 27 percent of the medical assistance payments earned under state
16 28 reimbursement rules. State reimbursement rules may provide for
16 29 reimbursement at less than actual cost.

16 30 Sec. 17. Section 249J.22, Code 2009, is amended to read as
16 31 follows:

16 32 249J.22 Independent annual audit.

16 33 The department shall contract with a certified public
16 34 accountant to provide an analysis, on an annual basis, to the
16 35 governor and the general assembly regarding compliance of the



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17 1 Iowa medical assistance program with each of the following:
17 2 1. That the state has not instituted any new provider taxes
17 3 as defined by the centers for Medicare and Medicaid services
17 4 of the United States department of health and human services,
17 5 unless otherwise authorized by state law and approved by the
17 6 centers for Medicare and Medicaid services.

17 7 ~~2. That public hospitals and public nursing facilities~~
17 8 ~~are not paid more than the actual costs of care for medical~~
17 9 ~~assistance program and disproportionate share hospital program~~
17 10 ~~recipients based upon Medicare program principles of accounting~~
17 11 ~~and cost reporting.~~

17 12 ~~3. 2.~~ That the state is not recycling federal funds
17 13 provided under Title XIX of the Social Security Act as defined
17 14 by the centers for Medicare and Medicaid services of the United
17 15 States department of health and human services.

17 16 Sec. 18. Section 249J.23, subsection 3, Code 2009, is
17 17 amended to read as follows:

17 18 3. Moneys deposited in the account for health care
17 19 transformation shall be used only as provided in appropriations
17 20 from the account for the costs associated with certain services
17 21 provided to the expansion population pursuant to section
17 22 249J.6, ~~certain initiatives to be designed pursuant to section~~
17 23 ~~249J.8, the case-mix adjusted reimbursement system for persons~~
17 24 ~~with mental retardation or developmental disabilities pursuant~~
17 25 ~~to section 249J.12, certain health promotion partnership~~
17 26 ~~activities pursuant to section 249J.14, the cost and quality~~
17 27 ~~performance evaluation pursuant to section 249J.16, auditing~~
17 28 ~~requirements pursuant to section 249J.22, the provision~~
17 29 ~~of additional indigent patient care and treatment, and~~
17 30 ~~administrative costs associated with this chapter.~~

17 31 Sec. 19. Section 249J.24, Code Supplement 2009, is amended
17 32 to read as follows:

17 33 249J.24 IowaCare account.

17 34 1. An IowaCare account is created in the state treasury
17 35 under the authority of the department of human services.



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18 1 Moneys appropriated from the general fund of the state to the
18 2 account, moneys received as federal financial participation
18 3 funds under the expansion population provisions of this
18 4 chapter and credited to the account, moneys received for
18 5 disproportionate share hospitals and credited to the account,
18 6 moneys received for graduate medical education and credited to
18 7 the account, proceeds distributed from the county treasurer as
18 8 specified in subsection ~~6~~ 4, and moneys from any other source
18 9 credited to the account shall be deposited in the account.
18 10 Moneys deposited in or credited to the account shall be used
18 11 only as provided in appropriations or distributions from the
18 12 account for the purposes specified in the appropriation or
18 13 distribution. Moneys in the account shall be appropriated to
18 14 the university of Iowa hospitals and clinics, and to a publicly
18 15 owned acute care teaching hospital located in a county with a
18 16 population over three hundred fifty thousand, ~~and to the state~~
~~18 17 hospitals for persons with mental illness designated pursuant~~
~~18 18 to section 226.1~~ for the purposes provided in the federal
18 19 law making the funds available or as specified in the state
18 20 appropriation and shall be distributed as determined by the
18 21 department.
18 22 2. The account shall be separate from the general fund
18 23 of the state and shall not be considered part of the general
18 24 fund of the state. The moneys in the account shall not be
18 25 considered revenue of the state, but rather shall be funds of
18 26 the account. The moneys in the account are not subject to
18 27 section 8.33 and shall not be transferred, used, obligated,
18 28 appropriated, or otherwise encumbered, except to provide for
18 29 the purposes of this chapter. Notwithstanding section 12C.7,
18 30 subsection 2, interest or earnings on moneys deposited in the
18 31 account shall be credited to the account.
18 32 3. The department shall adopt rules pursuant to chapter 17A
18 33 to administer the account.
18 34 4. ~~The treasurer of state shall provide a quarterly report~~
~~18 35 of activities and balances of the account to the director.~~



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19 1 ~~5. Notwithstanding section 262.28 or any provision of this~~
19 2 ~~chapter to the contrary, payments to be made to participating~~
19 3 ~~public hospitals under this section shall be made on a~~
19 4 ~~prospective basis in twelve equal monthly installments based~~
19 5 ~~upon the amount appropriated or allocated, as applicable to a~~
19 6 ~~specific public hospital, in a specific fiscal year. After the~~
19 7 ~~close of the fiscal year, the department shall determine the~~
19 8 ~~amount of the payments attributable to the state general fund,~~
19 9 ~~federal financial participation funds collected for expansion~~
19 10 ~~population services, graduate medical education funds, and~~
19 11 ~~disproportionate share hospital funds, based on claims data and~~
19 12 ~~actual expenditures.~~

19 13 ~~6.~~ 4. a. Notwithstanding any provision to the contrary,
19 14 for the collection of taxes levied under section 347.7 ~~for~~
19 15 ~~which the collection is performed after July 1, 2005, the~~
19 16 county treasurer of a county with a population over three
19 17 hundred fifty thousand in which a publicly owned acute care
19 18 teaching hospital is located shall distribute the proceeds
19 19 collected pursuant to section 347.7 in a total amount of
19 20 ~~thirty-four~~ thirty-eight million dollars annually, which
19 21 would otherwise be distributed to the county hospital, to the
19 22 treasurer of state for deposit in the IowaCare account under
19 23 this section as follows:

19 24 (1) The first ~~seventeen~~ nineteen million dollars in
19 25 collections pursuant to section 347.7 between July 1 and
19 26 December 31 annually shall be distributed to the treasurer
19 27 of state for deposit in the IowaCare account and collections
19 28 during this time period in excess of ~~seventeen~~ nineteen million
19 29 dollars shall be distributed to the acute care teaching
19 30 hospital identified in this subsection.

19 31 (2) The first ~~seventeen~~ nineteen million dollars in
19 32 collections pursuant to section 347.7 between January 1 and
19 33 June 30 annually shall be distributed to the treasurer of state
19 34 for deposit in the IowaCare account and collections during this
19 35 time period in excess of ~~seventeen~~ nineteen million dollars



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20 1 shall be distributed to the acute care teaching hospital
20 2 identified in this subsection.
20 3 b. The board of trustees of the acute care teaching hospital
20 4 identified in this subsection and the department shall execute
20 5 an agreement under chapter 28E ~~by July 1, 2005, and annually~~
20 6 ~~by July 1, thereafter,~~ to specify the requirements relative to
20 7 distribution of the proceeds and the distribution of moneys to
20 8 the hospital from the IowaCare account. The agreement shall
20 9 include provisions relating to exceptions to the deadline for
20 10 submission of clean claims as required pursuant to section
20 11 249J.7 and provisions relating to data reporting requirements
20 12 regarding the expansion population. The agreement may also
20 13 include a provision allowing such hospital to limit access
20 14 to such hospital by expansion population members based on
20 15 residency of the member, if such provision reflects the policy
20 16 of such hospital regarding indigent patients ~~existing on April~~
~~20 17 1, 2005,~~ as adopted by its board of hospital trustees.
20 18 c. Notwithstanding the specified amount of proceeds to be
20 19 distributed under this subsection, if the amount allocated that
20 20 does not require federal matching funds under an appropriation
20 21 in a subsequent fiscal year to such hospital for medical and
20 22 surgical treatment of indigent patients, for provision of
20 23 services to expansion population members, and for medical
20 24 education, is reduced from the amount allocated that does not
20 25 require federal matching funds under the appropriation for
20 26 the fiscal year beginning July 1, ~~2005~~ 2010, the amount of
20 27 proceeds required to be distributed under this subsection in
20 28 that subsequent fiscal year shall be reduced in the same amount
20 29 as the amount allocated that does not require federal matching
20 30 funds under that appropriation.
20 31 ~~7. The state board of regents, on behalf of the university~~
~~20 32 of Iowa hospitals and clinics, and the department shall execute~~
~~20 33 an agreement under chapter 28E by July 1, 2005, and annually~~
~~20 34 by July 1, thereafter, to specify the requirements relating~~
~~20 35 to distribution of moneys to the hospital from the IowaCare~~



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~~21 1 account. The agreement shall include provisions relating to~~
~~21 2 exceptions to the deadline for submission of clean claims as~~
~~21 3 required pursuant to section 249J.7 and provisions relating to~~
~~21 4 data reporting requirements regarding the expansion population.~~
21 5 ~~8.~~ 5. The state and any county utilizing the acute care
21 6 teaching hospital located in a county with a population over
21 7 three hundred fifty thousand for mental health services ~~prior~~
~~21 8 to July 1, 2005~~, shall annually enter into an agreement with
21 9 such hospital to pay a per diem amount that is not less than the
21 10 per diem amount paid for those mental health services in effect
21 11 for the fiscal year beginning July 1, ~~2004~~ 2010, for each
21 12 individual including each expansion population member accessing
21 13 mental health services at that hospital ~~on or after July 1,~~
~~21 14 2005~~. Any payment made under such agreement for an expansion
21 15 population member pursuant to this chapter shall be considered
21 16 by the department to be payment by a third-party payor.
21 17 Sec. 20. Section 249J.25, Code 2009, is amended to read as
21 18 follows:
21 19 249J.25 Limitations.
21 20 1. The provisions of this chapter shall not be construed,
21 21 are not intended as, and shall not imply a grant of entitlement
21 22 for services to individuals who are eligible for assistance
21 23 under this chapter or for utilization of services that do not
21 24 exist or are not otherwise available on July 1, ~~2005~~ 2010.
21 25 Any state obligation to provide services pursuant to this
21 26 chapter is limited to the extent of the funds appropriated or
21 27 distributed for the purposes of this chapter.
21 28 2. The provisions of this chapter shall not be construed
21 29 and are not intended to affect the provision of services to
21 30 recipients of medical assistance existing on July 1, ~~2005~~ 2010.
21 31 Sec. 21. Section 249J.26, Code 2009, is amended to read as
21 32 follows:
21 33 249J.26 Audit == future repeal.
21 34 1. The state auditor shall complete an audit of the
21 35 provisions implemented pursuant to this chapter during the



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22 1 fiscal year beginning July 1, ~~2009~~ 2012, and shall submit the
22 2 results of the audit to the governor and the general assembly
22 3 by January 1, ~~2010~~ 2013.

22 4 2. This chapter is repealed ~~June 30, 2010~~ October 31, 2013.
22 5 Sec. 22. REPEAL. Sections 249J.12 and 249J.15, Code 2009,
22 6 are repealed.

DIVISION II

CONFORMING PROVISIONS

22 9 Sec. 23. Section 135.159, subsection 9, Code Supplement
22 10 2009, is amended to read as follows:

22 11 9. The department shall coordinate the requirements and
22 12 activities of the medical home system with the requirements
22 13 and activities of the dental home for children as described in
22 14 section 249J.14, ~~subsection 7~~, and shall recommend financial
22 15 incentives for dentists and nondental providers to promote
22 16 oral health care coordination through preventive dental
22 17 intervention, early identification of oral disease risk, health
22 18 care coordination and data tracking, treatment, chronic care
22 19 management, education and training, parental guidance, and oral
22 20 health promotions for children.

22 21 Sec. 24. Section 218.78, subsection 1, Code 2009, is amended
22 22 to read as follows:

22 23 1. All institutional receipts of the department of human
22 24 services, including funds received from client participation
22 25 at the state resource centers under section 222.78 and at the
22 26 state mental health institutes under section 230.20, shall be
22 27 deposited in the general fund except for reimbursements for
22 28 services provided to another institution or state agency, for
22 29 receipts deposited in the revolving farm fund under section
22 30 904.706, for deposits into the medical assistance fund under
22 31 section 249A.11, ~~for any deposits into the medical assistance~~
~~22 32 fund of any medical assistance payments received through the~~
~~22 33 expansion population program pursuant to chapter 249J~~, and
22 34 rentals charged to employees or others for room, apartment, or
22 35 house and meals, which shall be available to the institutions.



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23 1 Sec. 25. Section 230.20, subsection 2, paragraph a, Code
23 2 2009, is amended to read as follows:

23 3 a. The superintendent shall certify to the department the
23 4 billings to each county for services provided to patients
23 5 chargeable to the county during the preceding calendar quarter.
23 6 The county billings shall be based on the average daily
23 7 patient charge and other service charges computed pursuant
23 8 to subsection 1, and the number of inpatient days and other
23 9 service units chargeable to the county. However, a county
23 10 billing shall be decreased by an amount equal to reimbursement
23 11 by a third party payor or estimation of such reimbursement
23 12 from a claim submitted by the superintendent to the third
23 13 party payor for the preceding calendar quarter. When the
23 14 actual third party payor reimbursement is greater or less
23 15 than estimated, the difference shall be reflected in the
23 16 county billing in the calendar quarter the actual third party
23 17 payor reimbursement is determined. ~~For the purposes of this~~
~~23 18 paragraph, "third party payor reimbursement" does not include~~
~~23 19 reimbursement provided under chapter 249J.~~

23 20 Sec. 26. Section 230.20, subsections 5 and 6, Code 2009, are
23 21 amended to read as follows:

23 22 5. An individual statement shall be prepared for a patient
23 23 on or before the fifteenth day of the month following the month
23 24 in which the patient leaves the mental health institute, and a
23 25 general statement shall be prepared at least quarterly for each
23 26 county to which charges are made under this section. Except as
23 27 otherwise required by sections 125.33 and 125.34 the general
23 28 statement shall list the name of each patient chargeable to
23 29 that county who was served by the mental health institute
23 30 during the preceding month or calendar quarter, the amount due
23 31 on account of each patient, and the specific dates for which
23 32 any third party payor reimbursement received by the state is
23 33 applied to the statement and billing, and the county shall
23 34 be billed for eighty percent of the stated charge for each
23 35 patient specified in this subsection. ~~For the purposes of this~~



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~~24 1 subsection, "third party payor reimbursement" does not include~~
~~24 2 reimbursement provided under chapter 249J. The statement~~
24 3 prepared for each county shall be certified by the department
24 4 and a duplicate statement shall be mailed to the auditor of
24 5 that county.

24 6 6. All or any reasonable portion of the charges incurred
24 7 for services provided to a patient, to the most recent date
24 8 for which the charges have been computed, may be paid at any
24 9 time by the patient or by any other person on the patient's
24 10 behalf. Any payment made by the patient or other person,
24 11 and any federal financial assistance received pursuant to
24 12 Title XVIII or XIX of the federal Social Security Act for
24 13 services rendered to a patient, shall be credited against the
24 14 patient's account and, if the charges paid as described in this
24 15 subsection have previously been billed to a county, reflected
24 16 in the mental health institute's next general statement to that
24 17 county. ~~However, any payment made under chapter 249J shall~~
~~24 18 not be reflected in the mental health institute's next general~~
~~24 19 statement to that county.~~

24 20 Sec. 27. Section 249A.11, Code 2009, is amended to read as
24 21 follows:

24 22 249A.11 Payment for patient care segregated.
24 23 A state resource center or mental health institute, upon
24 24 receipt of any payment made under this chapter for the care of
24 25 any patient, shall segregate an amount equal to that portion of
24 26 the payment which is required by law to be made from nonfederal
24 27 funds ~~except for any nonfederal funds received through the~~
~~24 28 expansion population program pursuant to chapter 249J which~~
~~24 29 shall be deposited in the IowaCare account created pursuant~~
~~24 30 to section 249J.24.~~ The money segregated shall be deposited
24 31 in the medical assistance fund of the department of human
24 32 services.

24 33 Sec. 28. REPEAL. Chapter 219, Code 2009, is repealed.

24 34 EXPLANATION

24 35 This bill provides for the renewal of the IowaCare program



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25 1 which was established pursuant to a Medicaid program waiver in
25 2 2005 and is subject to repeal or renewal beginning June 30,
25 3 2010.
25 4 The bill eliminates outdated references; eliminates
25 5 provisions relating to the state hospitals for mental illness
25 6 for which funding provisions were phased out during the
25 7 initial waiver period; updates provisions relating to existing
25 8 services, financial participation in the program, and health
25 9 promotion partnerships; updates provisions relating to dental
25 10 homes for children; changes data and reporting requirements for
25 11 the program; updates provisions relating to the county tax levy
25 12 amount dedicated to the IowaCare program to reflect current
25 13 practice; and provides for the repeal of the Code chapter
25 14 on October 31, 2013. The bill also makes other conforming
25 15 changes.

LSB 5354XD (10) 83
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Senate Study Bill 3074

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act relating to child support recovery including child
2 support provisions for minor parents, medical support, and
3 the review and adjustment process.

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

TLSB 5348XD (4) 83

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1 1 Section 1. Section 252B.5, subsection 2, Code Supplement
1 2 2009, is amended to read as follows:

1 3 2. Aid in establishing paternity and securing a court or
1 4 administrative order for support pursuant to chapter 252A,
1 5 252C, 252F, or 600B, or any other chapter providing for
1 6 the establishment of paternity or support. In an action to
1 7 establish support, the resident parent may be a proper party
1 8 defendant for purposes of determining medical support as
1 9 provided in section 252E.1A upon service of notice as provided
1 10 in this chapter and without a court order as provided in
1 11 the rules of civil procedure. The unit's independent cause
1 12 of action shall not bar a party from seeking support in a
1 13 subsequent proceeding.

1 14 Sec. 2. Section 252F.1, subsection 4, Code Supplement 2009,
1 15 is amended to read as follows:

1 16 4. "Party" means a putative father or a mother, as named in
1 17 an action.

1 18 Sec. 3. Section 252F.4, subsections 1 through 4, Code
1 19 Supplement 2009, are amended to read as follows:

1 20 1. If ~~both parties fail~~ each party fails to respond to the
1 21 initial notice within twenty days after the date of service of
1 22 the notice or ~~fail fails~~ to appear at a conference pursuant to
1 23 section 252F.3 on the scheduled date of the conference, and
1 24 paternity has not been contested and ~~both parties fail~~ each
1 25 party fails to timely request a court hearing on the issue of
1 26 support, the administrator shall enter an order against the
1 27 parties, declaring the putative father to be the legal father
1 28 of the child or children involved and assessing any accrued and
1 29 accruing child support obligation pursuant to the guidelines
1 30 established under section 598.21B, and medical support pursuant
1 31 to chapter 252E.

1 32 2. If paternity is contested pursuant to section 252F.3,
1 33 subsection 6, and the party contesting paternity fails to
1 34 appear for a paternity test and fails to request a rescheduling
1 35 pursuant to section 252F.3, or fails to appear for both the



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2 1 initial and the rescheduled paternity tests and ~~both parties~~
2 2 ~~fail each party fails~~ to timely request a court hearing on
2 3 the issue of support, the administrator shall enter an order
2 4 against the parties declaring the putative father to be the
2 5 legal father of the child or children involved and assessing
2 6 any accrued and accruing child support obligation pursuant to
2 7 the guidelines established under section 598.21B, and medical
2 8 support pursuant to chapter 252E.
2 9 3. If a conference pursuant to section 252F.3 is held,
2 10 and paternity is not contested, and ~~both parties fail each~~
2 11 ~~party fails~~ to timely request a court hearing on the issue of
2 12 support, the administrator shall enter an order against the
2 13 parties after the second notice has been sent declaring the
2 14 putative father to be the legal father of the child or children
2 15 involved and assessing any accrued and accruing child support
2 16 obligation pursuant to the guidelines established under section
2 17 598.21B, and medical support pursuant to chapter 252E.
2 18 4. If paternity was contested and paternity testing was
2 19 performed and the putative father was not excluded, if the
2 20 test results indicate that the probability of the putative
2 21 father's paternity is ninety-five percent or greater, if the
2 22 test results are not timely challenged, and if ~~both parties~~
2 23 ~~fail each party fails~~ to timely request a court hearing on
2 24 the issue of support, the administrator shall enter an order
2 25 against the parties declaring the putative father to be the
2 26 legal father of the child or children involved and assessing
2 27 any accrued and accruing child support obligation pursuant to
2 28 the guidelines established under section 598.21B, and medical
2 29 support pursuant to chapter 252E.
2 30 Sec. 4. Section 252H.7, subsection 1, unnumbered paragraph
2 31 1, Code 2009, is amended to read as follows:
2 32 A parent may waive the ~~thirty-day~~ ten-day prereview waiting
2 33 period provided for in section 252H.16.
2 34 Sec. 5. Section 252H.7, subsection 1, paragraph a, Code
2 35 2009, is amended to read as follows:



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3 1 a. Upon receipt of signed requests from both parents
3 2 waiving the prereview waiting period, the unit may conduct a
3 3 review of the support order prior to the expiration of the
3 4 ~~thirty-day~~ ten-day period provided in section 252H.16.

3 5 Sec. 6. Section 252H.8, subsections 1 and 7, Code 2009, are
3 6 amended to read as follows:

3 7 1. For actions initiated under section 252H.15, either
3 8 parent or the unit may request a court hearing within
3 9 ~~thirty~~ ten days from the date of issuance of the notice of
3 10 decision under section 252H.16, or within ten days of the date
3 11 of issuance of the second notice of decision under section
3 12 252H.17, whichever is later.

3 13 7. For actions initiated under section 252H.15, a
3 14 hearing shall not be held for at least ~~thirty-one~~ eleven days
3 15 following the date of issuance of the notice of decision
3 16 unless the parents have jointly waived, in writing, the
3 17 ~~thirty-day~~ ten-day postreview period.

3 18 Sec. 7. Section 252H.14A, subsection 1, Code 2009, is
3 19 amended to read as follows:

3 20 1. Notwithstanding section 252H.15, ~~to assist the unit in~~
~~3 21 meeting the requirement for reviews and adjustments under the~~
~~3 22 federal Deficit Reduction Act of 2005, Pub.L. No.109=171, the~~
3 23 unit may use procedures under this section to review a support
3 24 order if all the following apply:

3 25 a. One of the following applies:

3 26 (1) The right to ongoing child support is assigned to the
3 27 state of Iowa due to the receipt of family investment program
3 28 assistance, and a review of the support order is required under
3 29 section 7302 of the federal Deficit Reduction Act of 2005, Pub.
3 30 L. No.109=171.

3 31 (2) A parent requests a review, provides the unit with
3 32 financial information as part of that request, and the order
3 33 meets the criteria for review under this subchapter.

3 34 b. The unit has access to information concerning the
3 35 financial circumstances of each parent and one of the following



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4 1 applies:

4 2 (1) The parent is a recipient of family investment program
4 3 assistance, medical assistance, or food assistance from the
4 4 department.

4 5 (2) The parent's income is from supplemental security
4 6 income paid pursuant to 42 U.S.C. {1381a.

4 7 (3) The parent is a recipient of disability benefits under
4 8 the Act because of the parent's disability.

4 9 (4) The parent is an inmate of an institution under the
4 10 control of the department of corrections.

4 11 (5) The unit has access to information described in section
4 12 252B.7A, subsection 1, paragraph "c".

4 13 Sec. 8. Section 252H.16, subsection 2, Code 2009, is amended
4 14 to read as follows:

4 15 2. Unless both parents have waived the prereview notice
4 16 period as provided for in section 252H.7, the review shall not
4 17 be conducted for at least ~~thirty~~ ten days from the date both
4 18 parents were successfully served with the notice required in
4 19 section 252H.15.

4 20 Sec. 9. Section 598.21B, subsection 2, paragraph e,
4 21 unnumbered paragraph 1, Code Supplement 2009, is amended to
4 22 read as follows:

4 23 Unless the special circumstances of the case justify a
4 24 deviation, the court or the child support recovery unit shall
4 25 establish a monthly child support payment ~~of twenty-five~~
4 26 ~~dollars~~ in accordance with the guidelines for a parent who is
4 27 nineteen years of age or younger, who has not received a high
4 28 school or high school equivalency diploma, and to whom each of
4 29 the following apply:

4 30 Sec. 10. RULES. Until the department of human services
4 31 amends rules pursuant to chapter 17A necessary to conform with
4 32 the sections of this Act amending sections 252H.7, 252H.8,
4 33 252H.14A, and 252H.16, any existing rule relating to review and
4 34 adjustment of support orders shall apply as follows:

4 35 1. Any provision for a time limit that conflicts with a



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5 1 provision of this Act amending section 252H.7, 252H.8, or
5 2 252H.16, shall not apply.
5 3 2. Any rule that applies to review and adjustment of support
5 4 orders shall also apply to review under section 252H.14A, as
5 5 amended by this Act, except that a provision for a time limit,
5 6 notice, or other procedure which conflicts with a provision of
5 7 section 252H.14A, as amended by this Act, shall not apply.

5 8 EXPLANATION

5 9 This bill amends child support recovery provisions relating
5 10 to child support obligations for minor parents, medical
5 11 support, and the review and adjustment process.

5 12 The amendment to Code section 252B.5 provides for a process,
5 13 consistent with other child support Code chapters, to add
5 14 a party to an action in determining medical support. The
5 15 amendments to Code chapter 252F relating to administrative
5 16 establishment of paternity, correct an inconsistency in the
5 17 Code chapter between the provisions for advance notice to the
5 18 parent about an order which currently apply to each parent
5 19 (Code section 252F.3) and obtaining a paternity and support
5 20 order which currently apply to both parents (Code section
5 21 252F.4). The bill amends Code section 252F.4 and makes a
5 22 conforming change in Code section 252F.1 to provide that both
5 23 parties would not always have to be formally served and added
5 24 or joined to a paternity and medical support proceeding, but
5 25 would be added only as necessary.

5 26 The amendments to Code chapter 252H relating to review and
5 27 adjustment of child support orders shorten the waiting periods
5 28 in regular reviews from 30 days to 10 days for both the time
5 29 allowed parents to gather necessary information to submit to
5 30 the child support recovery unit (CSRU) and for parents to study
5 31 the revised child support calculation sent to them by the CSRU.
5 32 The 30-day time period was eliminated as a mandate in federal
5 33 law in 1996. The bill also makes changes to the abbreviated
5 34 review process, currently used when a child is enrolled in the
5 35 family investment program, to also allow the shortened process



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6 1 in cases in which a parent requests a review or when CSRU has
6 2 access to the necessary information through an automated source
6 3 such as unemployment benefits, wage information, or information
6 4 from the parent's current employer. In effect, the process
6 5 is abbreviated by eliminating the first waiting period (used
6 6 for asking and waiting for both parents to gather and send
6 7 in their financial information, because the information is
6 8 already available from an automated source), while retaining
6 9 the regular postreview waiting period for the parents to review
6 10 the child support calculation.

6 11 The bill also amends Code section 598.21B to conform with
6 12 new child support guidelines. Current law, based on the former
6 13 guidelines, requires minor parent payors who are still in high
6 14 school to pay a minimum of \$25 a month in support. Under the
6 15 new guidelines providing for support amounts of less than \$25
6 16 a month, such a minor parent could pay less than \$25, as is
6 17 reflected in the language of the bill.

6 18 The bill also provides transition provisions relating
6 19 to existing rules that conflict with review and adjustment
6 20 provisions of the bill.

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Senate Study Bill 3075

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
SERVICES BILL)

A BILL FOR

1 An Act revising the duties of the mental health, mental
2 retardation, developmental disabilities, and brain injury
3 commission and related provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5356XD (10) 83
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1 1 DIVISION I
 1 2 GENERAL AMENDMENTS
 1 3 Section 1. Section 135C.23, subsection 2, paragraph b, Code
 1 4 Supplement 2009, is amended to read as follows:
 1 5 b. This section does not prohibit the admission of a
 1 6 patient with a history of dangerous or disturbing behavior to
 1 7 an intermediate care facility for persons with mental illness,
 1 8 intermediate care facility for persons with mental retardation,
 1 9 nursing facility, or county care facility when the intermediate
 1 10 care facility for persons with mental illness, intermediate
 1 11 care facility for persons with mental retardation, nursing
 1 12 facility, or county care facility has a program which has
 1 13 received prior approval from the department to properly care
 1 14 for and manage the patient. An intermediate care facility for
 1 15 persons with mental illness, intermediate care facility for
 1 16 persons with mental retardation, nursing facility, or county
 1 17 care facility is required to transfer or discharge a resident
 1 18 with dangerous or disturbing behavior when the intermediate
 1 19 care facility for persons with mental illness, intermediate
 1 20 care facility for persons with mental retardation, nursing
 1 21 facility, or county care facility cannot control the resident's
 1 22 dangerous or disturbing behavior. The department, ~~in~~
~~1 23 coordination with the state mental health, mental retardation,~~
~~1 24 developmental disabilities, and brain injury commission created~~
~~1 25 in section 225C.5,~~ shall adopt rules pursuant to chapter 17A
 1 26 for programs to be required in intermediate care facilities
 1 27 for persons with mental illness, intermediate care facilities
 1 28 for persons with mental retardation, nursing facilities, and
 1 29 county care facilities that admit patients or have residents
 1 30 with histories of dangerous or disturbing behavior.
 1 31 Sec. 2. Section 229.24, subsection 3, unnumbered paragraph
 1 32 1, Code 2009, is amended to read as follows:
 1 33 If all or part of the costs associated with hospitalization
 1 34 of an individual under this chapter are chargeable to a
 1 35 county of legal settlement, the clerk of the district court



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2 1 shall provide to the county of legal settlement and to the
2 2 county in which the hospitalization order is entered, ~~in a~~
~~2 3 form prescribed by the mental health, mental retardation,~~
~~2 4 developmental disabilities, and brain injury commission,~~ the
2 5 following information pertaining to the individual which would
2 6 be confidential under subsection 1:

2 7 Sec. 3. Section 230A.2, Code 2009, is amended to read as
2 8 follows:

2 9 230A.2 Services offered.

2 10 A community mental health center established or operating
2 11 as authorized by section 230A.1 may offer to residents of the
2 12 county or counties it serves any or all of the mental health
2 13 services defined ~~by the mental health, mental retardation,~~
~~2 14 developmental disabilities, and brain injury commission~~ in the
2 15 comprehensive state mental health and disability services plan
2 16 under section 225C.6B.

2 17 Sec. 4. Section 230A.15, Code 2009, is amended to read as
2 18 follows:

2 19 230A.15 Comprehensive community mental health program.

2 20 A community mental health center established or operating
2 21 as authorized by section 230A.1, or which a county or group
2 22 of counties has agreed to establish or support pursuant
2 23 to that section, may with approval of the board or boards
2 24 of supervisors of the county or counties supporting or
2 25 establishing the center, undertake to provide a comprehensive
2 26 community mental health program for the county or counties.
2 27 A center providing a comprehensive community mental health
2 28 program shall, at a minimum, make available to residents of the
2 29 county or counties it serves all of the ~~comprehensive~~ mental
2 30 health services described in the comprehensive state mental
2 31 health and disability services plan under section 225C.6B.

2 32 Sec. 5. Section 331.424A, subsection 1, Code Supplement
2 33 2009, is amended to read as follows:

2 34 1. For the purposes of this chapter, unless the context
2 35 otherwise requires, "services fund" means the county mental



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3 1 health, mental retardation, and developmental disabilities
3 2 services fund created in subsection 2. The ~~county finance~~
~~3 3 committee created in section 333A.2 shall consult with~~
~~3 4 the state commission in adopting shall adopt rules and~~
~~3 5 prescribing forms~~ for administering the services fund. The
3 6 county finance committee created in section 333A.2 shall
3 7 prescribe forms in accordance with the rules adopted by the
3 8 state commission. The forms shall allow for reporting of
3 9 services for persons with brain injury and other optional
3 10 services funded through a services fund.

3 11 Sec. 6. Section 331.438, subsection 1, paragraph b, Code
3 12 2009, is amended to read as follows:
3 13 b. "Qualified mental health, mental retardation, and
3 14 developmental disabilities services" means the services
3 15 specified on forms issued in the rules adopted by the county
~~3 16 finance committee following consultation with the state~~
3 17 commission for administering the services fund, pursuant to
3 18 section 331.424A.

3 19 Sec. 7. Section 331.438, subsection 4, paragraph b, Code
3 20 2009, is amended to read as follows:
3 21 b. The state commission shall do all of the following:
3 22 (1) Identify Receive and review reports from the department
3 23 of human services identifying characteristics of the
3 24 service county services system, including amounts expended,
3 25 equity of funding among counties, funding sources, provider
3 26 types, service availability, and equity of service availability
3 27 among counties and among persons served.
3 28 ~~(2) Assess the accuracy and uniformity of recordkeeping and~~
~~3 29 reporting in the service system.~~
3 30 ~~(3) Identify for each county the factors associated with~~
~~3 31 inflationary growth of the service system.~~
3 32 ~~(4) Identify opportunities for containing service system~~
~~3 33 growth.~~
3 34 ~~(5) (2) Consider proposals for revising service county~~
3 35 services system administrative rules.



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4 1 ~~(6) Consider provisions and adopt rules for counties to~~
~~4 2 implement a central point of coordination to plan, budget,~~
~~4 3 and monitor county expenditures for the service system. The~~
~~4 4 provisions shall provide options for counties to implement~~
~~4 5 the central point of coordination in collaboration with other~~
~~4 6 counties.~~

4 7 ~~(7) Develop criteria for annual county mental health,~~
~~4 8 mental retardation, and developmental disabilities plans.~~

4 9 ~~(8) (3) Adopt administrative rules identifying qualified~~
~~4 10 mental health, mental retardation, and developmental~~
~~4 11 disabilities service expenditures for purposes of state payment~~
~~4 12 pursuant to subsection 1 relating to county management plans.~~

4 13 ~~(9) Adopt rules for the county central point of coordination~~
~~4 14 and clinical assessment processes required under section~~
~~4 15 331.440 and other rules necessary for the implementation of~~
~~4 16 county management plans and expenditure reports required for~~
~~4 17 state payment pursuant to section 331.439.~~

4 18 ~~(10) Consider recommendations to improve the programs and~~
~~4 19 cost-effectiveness of state and county contracting processes~~
~~4 20 and procedures, including strategies for negotiations relating~~
~~4 21 to managed care. The recommendations implemented by the~~
~~4 22 commission for the state and county regarding managed care~~
~~4 23 shall include but are not limited to standards for limiting~~
~~4 24 excess costs and profits, and for restricting cost shifting~~
~~4 25 under a managed care system.~~

4 26 ~~(11) (4) Provide input, when appropriate, to the director~~
4 27 of human services in any decision involving administrative
4 28 rules which were adopted by the department of human services
4 29 pertaining to the mental illness, mental retardation, and
~~4 30 developmental disabilities services system administered by~~
4 31 counties.

4 32 ~~(12) Identify the fiscal impact of existing or proposed~~
~~4 33 legislation and administrative rules on state and county~~
~~4 34 expenditures.~~

4 35 ~~(13) Adopt administrative rules providing statewide~~



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~~5 1 standards and a monitoring methodology to determine whether
5 2 cost-effective individualized services are available as
5 3 required pursuant to section 331.439, subsection 1, paragraph
5 4 "b".~~

5 5 ~~(14)~~ (5) Consider recommendations for and adopt
5 6 administrative rules establishing statewide minimum standards
5 7 for services and other support required to be available to
5 8 persons covered by a county management plan under section
5 9 331.439.

5 10 ~~(15)~~ (6) Consider recommendations for measuring and
5 11 improving the quality of state and county mental health, mental
5 12 retardation, and developmental disabilities services and other
5 13 support.

~~5 14 (16) Develop a procedure for each county to disclose to
5 15 the department of human services information approved by the
5 16 commission concerning the mental health, mental retardation,
5 17 developmental disabilities, and brain injury services provided
5 18 to the individuals served through the county central point
5 19 of coordination process. The procedure shall incorporate
5 20 protections to ensure that if individually identified
5 21 information is disclosed, it is disclosed and maintained in
5 22 compliance with applicable Iowa and federal confidentiality
5 23 laws, including but not limited to federal Health Insurance
5 24 Portability and Accountability Act, Pub.L. No.104-191,
5 25 requirements.~~

5 26 Sec. 8. Section 331.439, subsection 1, unnumbered paragraph
5 27 1, Code 2009, is amended to read as follows:

5 28 The state payment to eligible counties under this section
5 29 shall be made as provided in sections 331.438 and 426B.2. A
5 30 county is eligible for the state payment, as defined in section
5 31 331.438, for a fiscal year if the director of human services,
~~5 32 in consultation with the state commission,~~ determines for a
5 33 specific fiscal year that all of the following conditions are
5 34 met:



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6 1 Sec. 9. Section 331.439, subsection 1, paragraph a, Code
6 2 2009, is amended to read as follows:

6 3 a. The county accurately reported by December 1 the
6 4 county's expenditures for mental health, mental retardation,
6 5 and developmental disabilities services and the information
6 6 required under section 225C.6A, subsection ~~2~~ 3, paragraph
6 7 "c", for the previous fiscal year ~~on forms prescribed by in~~
6 8 accordance with rules adopted by the state commission. If
6 9 the department determines good cause exists, the department
6 10 may extend a deadline otherwise imposed under this chapter,
6 11 chapter 225C, or chapter 426B for a county's reporting
6 12 concerning mental health, mental retardation, or developmental
6 13 disabilities services or related revenues and expenditures.

6 14 Sec. 10. Section 331.439, subsection 1, paragraph b,
6 15 unnumbered paragraph 1, Code 2009, is amended to read as
6 16 follows:

6 17 The county developed and implemented a county management
6 18 plan for the county's mental health, mental retardation, and
6 19 developmental disabilities services system in accordance with
6 20 the provisions of this paragraph "b". The plan shall comply
6 21 with the administrative rules adopted for this purpose by the
6 22 state commission and is subject to the approval of the director
6 23 of human services in consultation with the state commission.
6 24 The plan shall include a description of the county's service
6 25 management provision for mental health, mental retardation, and
6 26 developmental disabilities services. For mental retardation
6 27 and developmental disabilities service management, the plan
6 28 shall describe the county's development and implementation of a
6 29 ~~managed~~ system of cost-effective individualized services and
6 30 shall comply with the provisions of paragraph "f". The goal
6 31 of this part of the plan shall be to assist the individuals
6 32 served to be as independent, productive, and integrated into
6 33 the community as possible. The service management provisions
6 34 for mental health shall comply with the provisions of paragraph
6 35 "e". A county is subject to all of the following provisions



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7 1 in regard to the county's services system management plan and
7 2 planning process:

7 3 Sec. 11. Section 331.439, subsection 1, paragraph b,
7 4 subparagraphs (2) and (3), Code 2009, are amended to read as
7 5 follows:

7 6 (2) For informational purposes, the county shall submit a
7 7 management plan review to the department of human services by
7 8 December 1 of each year. The annual review shall incorporate
7 9 an analysis of the data associated with the services
7 10 system managed during the preceding fiscal year by the county
7 11 or by a ~~managed-care~~ private entity on behalf of the county.
7 12 The annual review shall also identify measurable outcomes
7 13 and results showing the county's progress in fulfilling
7 14 the purposes listed in paragraph "c", and in achieving the
7 15 disability services outcomes and indicators identified by the
7 16 commission pursuant to section 225C.6.

7 17 (3) For informational purposes, every three years the
7 18 county shall submit to the department of human services a
7 19 three-year strategic plan. The strategic plan shall describe
7 20 how the county will proceed to attain the plan's goals and
7 21 objectives, and the measurable outcomes and results necessary
7 22 for moving the county's ~~service~~ services system toward an
7 23 individualized, community-based focus in accordance with
7 24 paragraph "c". The three-year strategic plan shall be
7 25 submitted by April 1, 2000, and by April 1 of every third year
7 26 thereafter.

7 27 Sec. 12. Section 331.439, subsection 1, paragraphs c, e, and
7 28 f, Code 2009, are amended to read as follows:

7 29 c. The county implements its county management plan under
7 30 paragraph "b" and other service management functions in a
7 31 manner that seeks to achieve all of the following purposes
7 32 identified in section 225C.1 for persons who are covered by the
7 33 plan or are otherwise subject to the county's ~~service~~ services
7 34 system management functions:

7 35 (1) The ~~service~~ services system seeks to empower persons



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8 1 to exercise their own choices about the amounts and types of
8 2 services and other support received.

8 3 (2) The ~~service~~ services system seeks to empower the persons
8 4 to accept responsibility, exercise choices, and take risks.

8 5 (3) The ~~service~~ services system seeks to provide services
8 6 and other support that are individualized, provided to produce
8 7 results, flexible, and cost-effective.

8 8 (4) The ~~service~~ services system seeks to provide services
8 9 and other ~~supports~~ support in a manner which supports the
8 10 ability of the persons to live, learn, work, and recreate in
8 11 communities of their choice.

8 12 e. (1) For mental health service management, the county
8 13 may either directly implement a system of service management
8 14 and contract with service providers, or contract with a
8 15 private entity to manage the county services system, provided
8 16 all requirements of this lettered paragraph are met by the
8 17 private entity. The mental health ~~service management~~ services
8 18 system shall incorporate a central point of coordination and
8 19 clinical assessment process developed in accordance with the
8 20 provisions of section 331.440.

8 21 (2) ~~A managed care~~ The county services system for mental
8 22 health proposed by a county shall include but is not limited
8 23 to all of the following elements which shall be specified in
8 24 administrative rules adopted by the state commission:

8 25 (a) The enrollment and eligibility process.
8 26 (b) The scope of services included.
8 27 (c) The method of plan administration.
8 28 (d) The process for managing utilization and access to
8 29 services and other assistance.
8 30 (e) The quality assurance process.
8 31 (f) The risk management provisions and fiscal viability of
8 32 the provisions, if the county contracts with a private ~~managed~~
8 33 ~~care~~ entity.

8 34 f. For mental retardation and developmental disabilities
8 35 services management, the county must either develop and



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9 1 implement a ~~managed~~ system of care which addresses a full
9 2 array of appropriate services and cost-effective delivery of
9 3 services by contracting directly with service providers or
9 4 contract by contracting with a state-approved managed care
~~9 5 contractor or contractors private entity to manage the county~~
9 6 services system. Any system or contract implemented under
~~9 7 this paragraph~~ The county services system shall incorporate a
9 8 central point of coordination and clinical assessment process
9 9 developed in accordance with the provisions of section 331.440.
9 10 The elements of the county managed system of care a county
~~9 11 services system~~ shall be specified in rules developed by the
9 12 department of human services in consultation with and adopted
9 13 by the state commission.
9 14 Sec. 13. Section 331.439, subsection 3, paragraph b, Code
9 15 2009, is amended to read as follows:
9 16 b. Based upon information contained in county management
9 17 plans and budgets and proposals made by representatives of
9 18 counties, the state commission shall recommend an allowed
9 19 growth factor adjustment to the governor by November 15
9 20 for the fiscal year which commences two years from the
9 21 beginning date of the fiscal year in progress at the time the
9 22 recommendation is made. The allowed growth factor adjustment
9 23 ~~shall~~ may address various costs including but not limited to
9 24 the costs associated with new consumers of service, service
9 25 cost inflation, and investments for economy and efficiency. In
9 26 developing the service cost inflation recommendation, the state
9 27 commission shall consider the cost trends indicated by the
9 28 gross expenditure amount reported in the expenditure reports
9 29 submitted by counties pursuant to subsection 1, paragraph
9 30 "a". The governor shall consider the state commission's
9 31 recommendation in developing the governor's recommendation for
9 32 an allowed growth factor adjustment for such fiscal year. The
9 33 governor's recommendation shall be submitted at the time the
9 34 governor's proposed budget for the succeeding fiscal year is
9 35 submitted in accordance with chapter 8.



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10 1 Sec. 14. Section 331.439, subsection 7, Code 2009, is
10 2 amended to read as follows:
10 3 7. A county shall annually report data concerning the
10 4 county's services system managed by in accordance with the
10 5 county management plan. At a minimum, the data reported shall
10 6 indicate the number of different individuals who utilized
10 7 services in a fiscal year and the various types of services.
10 8 Data reported under this subsection shall be submitted with
10 9 the county's expenditure report required under subsection 1,
10 10 paragraph "a".

DIVISION II

CODE CHAPTER 225C AMENDMENTS

10 13 Sec. 15. Section 225C.4, subsection 1, paragraph a, Code
10 14 2009, is amended to read as follows:

10 15 a. Prepare and administer the comprehensive mental health
10 16 and disability services plan as provided in section 225C.6B,
10 17 including state mental health and mental retardation plans
10 18 for the provision of disability services within the state and
10 19 ~~prepare and administer~~ the state developmental disabilities
10 20 plan. The administrator shall consult with the Iowa department
10 21 of public health, the state board of regents or a body
10 22 designated by the board for that purpose, the department
10 23 of management or a body designated by the director of the
10 24 department for that purpose, the department of education, the
10 25 department of workforce development and any other appropriate
10 26 governmental body, in order to facilitate coordination of
10 27 disability services provided in this state. The state mental
10 28 health and mental retardation plans shall be consistent with
10 29 the state health plan, and shall incorporate county disability
10 30 services plans.

10 31 Sec. 16. Section 225C.6, subsections 1 and 3, Code 2009, are
10 32 amended to read as follows:

10 33 1. To the extent funding is available, the commission shall
10 34 perform the following duties:

10 35 a. Advise the administrator on the administration of the



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11 1 overall state disability services system.

11 2 b. Adopt necessary rules pursuant to chapter 17A which
11 3 relate to disability programs and services, including but not
11 4 limited to definitions of each disability included within the
11 5 term "disability services" as necessary for purposes of state,
11 6 county, and regional planning, programs, and services.

11 7 c. Adopt standards for community mental health centers,
11 8 services, and programs as recommended under section 230A.16.
11 9 The ~~commission~~ administrator shall determine whether to grant,
11 10 deny, or revoke the accreditation of the centers, services, and
11 11 programs.

11 12 d. Adopt standards for ~~the care of and services to persons~~
~~11 13 with mental illness and mental retardation residing in county~~
~~11 14 care facilities recommended under section 227.4~~ the provision
11 15 under medical assistance of individual case management
11 16 services.

11 17 e. Unless another governmental body sets standards for a
11 18 service available to persons with disabilities, adopt state
11 19 standards for that service. ~~The commission shall provide that~~
~~11 20 a service provider's compliance with standards for a service~~
~~11 21 set by a nationally recognized body shall be deemed to be in~~
~~11 22 compliance with the state standards adopted by the commission~~
~~11 23 for that service. The commission shall adopt state standards~~
~~11 24 for those residential and community-based providers of services~~
~~11 25 to persons with mental illness or developmental disabilities~~
~~11 26 that are not otherwise subject to licensure by the department~~
~~11 27 of human services or department of inspections and appeals,~~
~~11 28 including but not limited to remedial services payable under~~
~~11 29 the medical assistance program and other services payable from~~
~~11 30 funds credited to a county mental health, mental retardation,~~
~~11 31 and developmental disabilities services fund created in section~~
~~11 32 331.424A. In addition, the~~ The commission shall review the
11 33 licensing standards used by the department of human services
11 34 or department of inspections and appeals for those facilities
11 35 providing disability ~~services to persons with mental illness~~



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~~12 1 or developmental disabilities.~~

12 2 f. Assure that proper reconsideration and appeal procedures
12 3 are available to persons aggrieved by decisions, actions, or
12 4 circumstances relating to accreditation.

12 5 g. Adopt necessary rules for awarding grants from the state
12 6 and federal government as well as other moneys that become
12 7 available to the division for grant purposes.

12 8 h. Annually submit to the governor and the general assembly:

12 9 (1) A report concerning the activities of the commission.

12 10 (2) Recommendations formulated by the commission for
12 11 changes in law.

12 12 i. By January 1 of each odd-numbered year, submit to the
12 13 governor and the general assembly an evaluation of:

12 14 (1) The extent to which services to persons with
12 15 disabilities are actually available to persons in each county
12 16 in the state and the quality of those services.

12 17 (2) The effectiveness of the services being provided by
12 18 disability service providers in this state and by each of the
12 19 state mental health institutes established under chapter 226
12 20 and by each of the state resource centers established under
12 21 chapter 222.

12 22 j. Advise the administrator, the council on human services,
12 23 the governor, and the general assembly on budgets and
12 24 appropriations concerning disability services.

12 25 k. Coordinate activities with the governor's developmental
12 26 disabilities council and the mental health planning council,
12 27 created pursuant to federal law. Work with other state
12 28 agencies on coordinating, collaborating, and communicating
12 29 concerning activities involving persons with disabilities.

~~12 30 l. Establish standards for the provision under medical~~
~~12 31 assistance of individual case management services. The~~
~~12 32 commission shall determine whether to grant, deny, or revoke~~
~~12 33 the accreditation of the services.~~

12 34 ~~m.~~ l. Identify basic financial eligibility standards for
12 35 disability services. The standards shall include but are not



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13 1 limited to the following:

13 2 (1) A financial eligibility standard providing that a
13 3 person with an income equal to or less than one hundred fifty
13 4 percent of the federal poverty level, as defined by the most
13 5 recently revised poverty income guidelines published by the
13 6 United States department of health and human services, is
13 7 eligible for disability services paid with public funding.
13 8 However, a county may apply a copayment requirement for a
13 9 particular disability service to a person with an income
13 10 equal to or less than one hundred fifty percent of the
13 11 federal poverty level, provided the disability service and
13 12 the copayment amount both comply with rules adopted by the
13 13 commission applying uniform standards with respect to copayment
13 14 requirements. A person with an income above one hundred fifty
13 15 percent of the federal poverty level may be eligible subject
13 16 to a copayment or other cost-sharing arrangement subject to
13 17 limitations adopted in rule by the commission.

13 18 (2) A requirement that a person who is eligible for
13 19 federally funded services and other support must apply for the
13 20 services and support.

13 21 (3) Resource limitations that are derived from the federal
13 22 supplemental security income program limitations. A person
13 23 with resources above the federal supplemental security income
13 24 program limitations may be eligible subject to limitations
13 25 adopted in rule by the commission. If a person does not
13 26 qualify for federally funded services and other support
13 27 but meets income, resource, and functional eligibility
13 28 requirements, the following types of resources shall be
13 29 disregarded:

13 30 (a) A retirement account that is in the accumulation stage.

13 31 (b) A burial, medical savings, or assistive technology
13 32 account.

13 33 ~~n.~~ m. Identify disability services outcomes and indicators
13 34 to support the ability of eligible persons with a disability to
13 35 live, learn, work, and recreate in communities of the persons'



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14 1 choice. The identification duty includes but is not limited to
14 2 responsibility for identifying, collecting, and analyzing data
14 3 as necessary to issue reports on outcomes and indicators at the
14 4 county and state levels.
14 5 ~~e. Prepare five-year plans based upon the county management~~
~~14 6 plans developed pursuant to section 331.439.~~
14 7 ~~p. Work with other state agencies on coordinating,~~
~~14 8 collaborating, and communicating concerning activities~~
~~14 9 involving persons with disabilities.~~
14 10 ~~q. Perform analyses and other functions associated with~~
~~14 11 a redesign of the mental health and developmental disability~~
~~14 12 services systems for adults and for children.~~
14 13 3. If the executive branch creates a committee, task force,
14 14 council, or other advisory body to consider ~~mental health~~
~~14 15 and developmental disabilities~~ disability services policy,
~~14 16 services,~~ or program options involving children or adult
14 17 consumers, the commission is designated to receive and consider
14 18 any report, findings, recommendations, or other work product
14 19 issued by such body. The commission may address the report,
14 20 findings, recommendations, or other work product in fulfilling
14 21 the commission's functions and to advise the department,
14 22 council on human services, governor, and general assembly
14 23 concerning disability services.
14 24 Sec. 17. Section 225C.6A, Code 2009, is amended to read as
14 25 follows:
14 26 225C.6A Mental health, developmental disability, and brain
14 27 injury service system redesign ~~implementation.~~
14 28 1. ~~Purpose. It is the intent of the general assembly~~
~~14 29 to implement a redesign of the mental health, developmental~~
~~14 30 disability, and brain injury service system over a period of~~
~~14 31 years in order to transition to a coordinated system for Iowans~~
~~14 32 with mental illness, mental retardation or other developmental~~
~~14 33 disabilities, or brain injury. Because of the significance of~~
~~14 34 the redesign to the persons who may be affected by it and the~~
~~14 35 degree of uncertainty regarding the extent of funding changes~~



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~~15 1 necessary for implementation, the department and the commission
15 2 shall not implement a redesign provision through rulemaking or
15 3 other means unless specific statutory authority provides for
15 4 the provision's implementation.~~

15 5 2. ~~Initial activities. For the fiscal years beginning
15 6 July 1, 2004, and July 1, 2005, the~~ The commission shall do
15 7 the following relating to redesign of the disability services
15 8 system in the state:

15 9 a. 1. Identify sources of revenue to support statewide
15 10 delivery of core disability services to eligible disability
15 11 populations.

15 12 b. ~~Further develop adult disability services system redesign
15 13 proposals and propose a redesign of the children's disability
15 14 service system. The redesign of the children's system shall
15 15 address issues associated with an individual's transition
15 16 between the two systems.~~

15 17 2. Ensure there is a continuous improvement process for
15 18 development and maintenance of the disability services system
15 19 for adults and children. The process shall include but is not
15 20 limited to data collection and reporting provisions.

15 21 e. ~~(1)~~ 3. a. Plan, collect, and analyze data as necessary
15 22 to issue cost estimates for serving additional populations and
15 23 providing core disability services statewide. The department
15 24 shall maintain compliance with applicable federal and state
15 25 privacy laws to ensure the confidentiality and integrity of
15 26 individually identifiable disability services data. The
15 27 department shall regularly assess the status of the compliance
15 28 in order to assure that data security is protected.

15 29 ~~(2)~~ b. In implementing a system under this paragraph
~~15 30 "e" subsection~~ for collecting and analyzing state, county,
15 31 and private contractor data, the department shall establish a
15 32 client identifier for the individuals receiving services. The
15 33 client identifier shall be used in lieu of the individual's
15 34 name or social security number. The client identifier shall
15 35 consist of the last four digits of an individual's social



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16 1 security number, the first three letters of the individual's
16 2 last name, the individual's date of birth, and the individual's
16 3 gender in an order determined by the department.

16 4 ~~(3)~~ c. Each county shall report to the department annually
16 5 on or before December 1, for the preceding fiscal year the
16 6 following information for each individual served: \$Mdemographic
16 7 information, expenditure data, and data concerning the services
16 8 and other support provided to each individual, as specified in
16 9 administrative rule adopted by the commission.

16 10 ~~d. With consumer input, identify and propose standardized~~
~~16 11 functional assessment tools and processes for use in the~~
~~16 12 eligibility determination process when eligibility for a~~
~~16 13 particular disability population group is implemented. The~~
~~16 14 tools and processes shall be integrated with those utilized~~
~~16 15 for the medical assistance program under chapter 249A. For~~
~~16 16 the initial diagnostic criteria, the commission shall consider~~
~~16 17 identifying a qualifying functional assessment score and any~~
~~16 18 of the following diagnoses: \$Mmental illness, chronic mental~~
~~16 19 illness, mental retardation, developmental disability, or brain~~
~~16 20 injury.~~

16 21 ~~e. The commission shall adopt a multiyear plan for~~
~~16 22 developing and providing the data, cost projections, revenue~~
~~16 23 requirements, and other information needed to support decision~~
~~16 24 making concerning redesign provisions. The information shall~~
~~16 25 be provided as part of the commission's regular reports to the~~
~~16 26 governor and general assembly or more often as determined to be~~
~~16 27 appropriate by the commission.~~

16 28 ~~f. Propose case rates for disability services.~~

16 29 ~~g.~~ 4. Work with county representatives and other qualified
16 30 persons to develop an implementation plan for replacing the
16 31 county of legal settlement approach to determining service
16 32 system funding responsibilities with an approach based upon
16 33 residency. The plan shall address a statewide standard for
16 34 proof of residency, outline a plan for establishing a data
16 35 system for identifying residency of eligible individuals,



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17 1 address residency issues for individuals who began residing in
17 2 a county due to a court order or criminal sentence or to obtain
17 3 services in that county, recommend an approach for contesting
17 4 a residency determination, and address other implementation
17 5 issues.

17 6 Sec. 18. Section 225C.6B, subsection 1, Code 2009, is
17 7 amended to read as follows:

17 8 1. Intent.

17 9 a. The general assembly intends for the state to implement
17 10 a comprehensive, continuous, and integrated state mental
17 11 health and disability services plan in accordance with
17 12 the requirements of sections 225C.4 and 225C.6 and other
17 13 provisions of this chapter, by increasing the department's
17 14 responsibilities in the development, funding, oversight, and
17 15 ongoing leadership of mental health and disability services in
17 16 this state.

17 17 b. In order to further the purposes listed in
17 18 ~~sections section~~ 225C.1 ~~and 225C.27~~ and in other provisions
17 19 of this chapter, the general assembly intends that efforts
17 20 focus on the goal of making available a comprehensive array
17 21 of high-quality, evidence-based consumer and family-centered
17 22 mental health and disability services and other support in the
17 23 least restrictive, community-based setting appropriate for a
17 24 consumer.

17 25 c. In addition, it is the intent of the general assembly
17 26 to promote policies and practices that achieve for consumers
17 27 the earliest possible detection of mental health problems and
17 28 the need for disability services and for early intervention;
17 29 to stress that all health care programs address mental
17 30 health disorders with the same urgency as physical health
17 31 disorders; to promote the policies of all public programs
17 32 that serve adults and children with mental disorders or with
17 33 a need for disability services, including but not limited to
17 34 child welfare, Medicaid, education, housing, criminal and
17 35 juvenile justice, substance abuse treatment, and employment



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18 1 services; to consider the special mental health and disability
18 2 services needs of adults and children; and to promote recovery
18 3 and resiliency as expected outcomes for all consumers.

18 4 Sec. 19. Section 225C.6B, subsection 2, Code 2009, is
18 5 amended by striking the subsection and inserting in lieu
18 6 thereof the following:

18 7 2. Comprehensive plan. The division shall develop a
18 8 comprehensive written five-year state mental health and
18 9 disability services plan with annual updates and readopt
18 10 the plan every five years. The plan shall describe the key
18 11 components of the state's mental health and disability services
18 12 system, including the services that are community-based, state
18 13 institution-based, or regional or state-based. The five-year
18 14 plan and each update shall be submitted annually to the
18 15 commission on or before October 30 for review and approval.

18 16 Sec. 20. Section 225C.21, subsection 2, Code 2009, is
18 17 amended to read as follows:

18 18 2. The commission shall adopt rules pursuant to chapter 17A
18 19 establishing minimum standards for supported community living
18 20 services. The ~~commission~~ administrator shall determine whether
18 21 to grant, deny, or revoke approval for any supported community
18 22 living service.

18 23 Sec. 21. Section 225C.52, subsection 1, Code 2009, is
18 24 amended to read as follows:

18 25 1. Establishing a comprehensive community-based mental
18 26 health services system for children and youth is part of
18 27 fulfilling the requirements of the division and the commission
18 28 to facilitate a comprehensive, continuous, and integrated state
18 29 mental health and disability services plan in accordance with
18 30 sections 225C.4, 225C.6, and 225C.6A, and other provisions
18 31 of this chapter. The purpose of establishing the children's
18 32 system is to improve access for children and youth with
18 33 serious emotional disturbances and youth with other qualifying
18 34 mental health disorders to mental health treatment, services,
18 35 and other support in the least restrictive setting possible



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19 1 so the children and youth can live with their families
19 2 and remain in their communities. The children's system is
19 3 also intended to meet the needs of children and youth who
19 4 have mental health disorders that co-occur with substance
19 5 abuse, mental retardation, developmental disabilities, or
19 6 other disabilities. The children's system shall emphasize
19 7 community-level collaborative efforts between children and
19 8 youth and the families and the state's systems of education,
19 9 child welfare, juvenile justice, health care, substance abuse,
19 10 and mental health.

19 11 Sec. 22. REPEAL. Section 225C.27, Code 2009, is repealed.

19 12 DIVISION III

19 13 COMMISSION AND WAIVER NAME CHANGE

19 14 Sec. 23. Section 225C.2, subsection 3, Code 2009, is amended
19 15 to read as follows:

19 16 3. "Commission" means the mental health, ~~mental retardation,~~
~~19 17 developmental disabilities, and brain injury and disability~~
19 18 services commission.

19 19 Sec. 24. Section 225C.5, subsection 1, unnumbered paragraph
19 20 1, Code Supplement 2009, is amended to read as follows:

19 21 A mental health, ~~mental retardation, developmental~~
~~19 22 disabilities, and brain injury and disability~~
19 23 services commission is created as the state policy-making body
19 24 for the provision of services to persons with mental illness,
19 25 mental retardation or other developmental disabilities,
19 26 or brain injury. The commission's voting members shall
19 27 be appointed to three-year staggered terms by the governor
19 28 and are subject to confirmation by the senate. Commission
19 29 members shall be appointed on the basis of interest and
19 30 experience in the fields of mental health, mental retardation
19 31 or other developmental disabilities, and brain injury, in a
19 32 manner so as to ensure adequate representation from persons
19 33 with disabilities and individuals knowledgeable concerning
19 34 disability services. The department shall provide staff
19 35 support to the commission, and the commission may utilize staff



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20 1 support and other assistance provided to the commission by
20 2 other persons. The commission shall meet at least four times
20 3 per year. The membership of the commission shall consist of
20 4 the following persons who, at the time of appointment to the
20 5 commission, are active members of the indicated groups:

20 6 Sec. 25. Section 249A.12, subsection 4, paragraph b, Code
20 7 2009, is amended to read as follows:

20 8 b. ~~Effective July 1, 1995, the~~ The state shall be
20 9 responsible for all of the nonfederal share of medical
20 10 assistance home and community-based services waivers
20 11 for persons with ~~mental retardation~~ intellectual
20 12 disabilities services provided to minors and a county is not
20 13 required to reimburse the department and shall not be billed
20 14 for the nonfederal share of the costs of the services.

20 15 Sec. 26. Section 249A.12, subsection 5, paragraph a,
20 16 unnumbered paragraph 1, Code 2009, is amended to read as
20 17 follows:

20 18 The mental health, ~~mental retardation, developmental~~
~~20 19 disabilities, and brain injury and disability~~
20 20 services commission shall recommend to the department
20 21 the actions necessary to assist in the transition of
20 22 individuals being served in an intermediate care facility for
20 23 persons with mental retardation, who are appropriate for the
20 24 transition, to services funded under a medical assistance
20 25 home and community-based services waiver for persons with
20 26 ~~mental retardation~~ intellectual disabilities in a manner which
20 27 maximizes the use of existing public and private facilities.
20 28 The actions may include but are not limited to submitting any
20 29 of the following or a combination of any of the following
20 30 as a request for a revision of the medical assistance home
20 31 and community-based services waiver for persons with ~~mental~~
~~20 32 retardation in effect as of June 30, 1996~~ intellectual
20 33 disabilities:

20 34 Sec. 27. Section 249A.12, subsection 5, paragraph a,
20 35 subparagraph (1), Code 2009, is amended to read as follows:



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21 1 (1) Allow for the transition of intermediate care
21 2 facilities for persons with mental retardation licensed under
21 3 chapter 135C ~~as of June 30, 1996~~, to services funded under the
21 4 medical assistance home and community-based services waiver for
21 5 persons with ~~mental retardation~~ intellectual disabilities. The
21 6 request shall be for inclusion of additional persons under the
21 7 waiver associated with the transition.

21 8 Sec. 28. Section 249A.12, subsection 6, paragraphs a and b,
21 9 Code 2009, are amended to read as follows:

21 10 a. ~~Effective July 1, 2003, the~~ The provisions of the
21 11 home and community-based services waiver for persons with
21 12 ~~mental retardation~~ intellectual disabilities shall include
21 13 adult day care, prevocational, and transportation services.
21 14 Transportation shall be included as a separately payable
21 15 service.

21 16 b. The department of human services shall seek federal
21 17 approval to amend the home and community-based services
21 18 waiver for persons with ~~mental retardation~~ intellectual
21 19 disabilities to include day habilitation services. Inclusion
21 20 of day habilitation services in the waiver shall take effect
21 21 upon receipt of federal approval ~~and no later than July 1,~~
21 22 ~~2004.~~

21 23 Sec. 29. Section 423.3, subsection 18, paragraph f,
21 24 subparagraph (6), Code Supplement 2009, is amended to read as
21 25 follows:

21 26 (6) ~~MR~~ Intellectual disabilities waiver service providers,
21 27 described in 441 IAC 77.37.

21 28 Sec. 30. MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
21 29 DISABILITIES, AND BRAIN INJURY COMMISSION TERMINOLOGY CHANGES ==
21 30 CODE EDITOR'S DIRECTIVE.

21 31 1. Sections 230A.16, 230A.17, 230A.18, 249A.12, 331.438,
21 32 and 426B.4, Code 2009, and sections 249A.4, 249A.31, and
21 33 426B.5, Code Supplement 2009, are amended by striking the term
21 34 "mental health, mental retardation, developmental disabilities,
21 35 and brain injury commission" and inserting in lieu thereof the



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22 1 term "mental health and disability services commission".
22 2 2. This division of this Act changes the name of the mental
22 3 health, mental retardation, developmental disabilities, and
22 4 brain injury commission to the mental health and disability
22 5 services commission. The Code editor shall correct any
22 6 references to the term "mental health, mental retardation,
22 7 developmental disabilities, and brain injury commission"
22 8 anywhere else in the Iowa Code or Iowa Code Supplement, in any
22 9 bills awaiting codification, in this Act, and in any bills
22 10 enacted by the Eighty-third General Assembly, 2010 Regular
22 11 Session, or any extraordinary session.

22 12 Sec. 31. HOME AND COMMUNITY=BASED SERVICES WAIVER FOR
22 13 PERSONS WITH MENTAL RETARDATION TERMINOLOGY CHANGES == CODE
22 14 EDITOR'S DIRECTIVE.

22 15 1. Sections 135C.6, 219.1, 249A.26, and 249A.30, Code 2009,
22 16 are amended by striking the term "waiver for persons with
22 17 mental retardation" and inserting in lieu thereof the term
22 18 "waiver for persons with intellectual disabilities".

22 19 2. This division of this Act changes the name of the home
22 20 and community-based services waiver for persons with mental
22 21 retardation under the medical assistance program to the waiver
22 22 for persons with intellectual disabilities. The Code editor
22 23 shall correct any references to the term "waiver for persons
22 24 with mental retardation" or other forms of the term anywhere
22 25 else in the Iowa Code or Iowa Code Supplement, in any bills
22 26 awaiting codification, in this Act, and in any bills enacted by
22 27 the Eighty-third General Assembly, 2010 Regular Session, or any
22 28 extraordinary session.

22 29 EXPLANATION

22 30 This bill revises the duties of the mental health, mental
22 31 retardation, developmental disabilities, and brain injury
22 32 commission and related provisions. The bill is organized into
22 33 divisions.

22 34 GENERAL AMENDMENTS. This division provides general
22 35 amendments associated with the commission in Code chapters



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23 1 other than Code chapter 225C.
23 2 Code section 135C.23, relating to requirements for admission
23 3 to a health care facility (defined to include residential care
23 4 facilities, nursing facilities, intermediate care facilities
23 5 for persons with mental illness, and intermediate care
23 6 facilities for persons with mental retardation), is amended to
23 7 eliminate a requirement for the department of inspections and
23 8 appeals to coordinate with the commission in the adoption of
23 9 rules. The affected rules require programs for health care
23 10 facilities that admit patients or have residents with a history
23 11 of dangerous or disturbing behavior.
23 12 Code section 229.24, relating to the confidentiality
23 13 requirements for involuntary hospitalization proceedings,
23 14 is amended to eliminate the use of a form prescribed by the
23 15 commission when the clerk of court provides information to
23 16 counties concerning the commitment of an individual when the
23 17 costs of the individual's care are chargeable to a county.
23 18 Code section 230A.2, relating to the services offered by
23 19 a community mental health center, is amended to eliminate a
23 20 reference to the commission in defining services included in
23 21 the comprehensive mental health and developmental disability
23 22 services plan addressed by the bill in Code section 225C.6B.
23 23 Code section 230A.15, relating to requirements for a
23 24 comprehensive community mental health program, is amended to
23 25 include a reference to the comprehensive plan addressed by the
23 26 bill.
23 27 Code section 331.424A, establishing the county mental
23 28 health, mental retardation, and developmental disabilities
23 29 (MH/MR/DD) services funds, is amended to provide for adoption
23 30 of rules by the commission and issuance of forms by the county
23 31 finance committee in accordance with those rules. The forms
23 32 are to allow for reporting of services for persons with brain
23 33 injury and other optional services funded through a services
23 34 fund.
23 35 Code section 331.438, relating to county MH/MR/DD services



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24 1 expenditures and the county and state planning associated with
24 2 the expenditures, is amended to strike a reference to the
24 3 expenditure reporting forms. In addition, the bill reduces the
24 4 number of duties for the commission enumerated in that section
24 5 from 16 to six.

24 6 Code section 331.439, relating to county eligibility
24 7 for state property tax relief and allowed growth funding in
24 8 connection with MH/MR/DD services, is amended to address
24 9 several issues. A requirement that the director of human
24 10 services consult with the commission when the director
24 11 determines various qualifications are met by counties is
24 12 eliminated. A reference to forms in a reporting requirement
24 13 is eliminated. Terminology references to county services
24 14 are revised to incorporate the term "services system". A
24 15 limitation in current law authorizing county services to be
24 16 contracted out to a managed care contractor is replaced with
24 17 authority to contract with any state-approved private entity.
24 18 Certain costs are made optional instead of being required to
24 19 be addressed by the allowed growth adjustment factor annually
24 20 recommended by the commission to the governor.

24 21 CODE CHAPTER 225C AMENDMENTS. This division amends Code
24 22 chapter 225C, relating to the services and other support
24 23 available to a person with mental illness, mental retardation,
24 24 developmental disabilities, or brain injury (MI/MR/DD/BI),
24 25 defined by the Code chapter as "disability services".

24 26 Code section 225C.4, relating the duties of the
24 27 administrator of the division of mental health and
24 28 disability services, is amended to include a reference to the
24 29 comprehensive plan addressed by the bill.

24 30 Code section 225C.6, relating to the duties of the
24 31 commission, is amended to reorganize the list of duties. In
24 32 addition, the bill shifts responsibility from the commission to
24 33 the department of human services' mental health and disability
24 34 services administrator for determining whether to grant, deny,
24 35 or revoke service provider accreditations. The commission



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25 1 retains responsibility for adopting the standards used. An
25 2 existing requirement for the commission to coordinate with
25 3 other bodies is expanded to include the mental health planning
25 4 council and other state agencies generally.
25 5 Code section 225C.6A, relating to a service system redesign
25 6 the commission worked on in fiscal years 2004=2005 and
25 7 2005=2006, is amended to eliminate obsolete language and to
25 8 make various planning responsibilities permanent. Pursuant to
25 9 Code section 225C.6B, as amended in the bill, the commission is
25 10 required to develop a comprehensive five-year plan for mental
25 11 health and all disability services. The plan is to be revised
25 12 every five years and updated annually.
25 13 Code section 225C.21, relating to supported community
25 14 services, is amended to shift the provider accreditation
25 15 determination responsibility from the commission to the
25 16 department's division administrator.
25 17 Code section 225C.52, relating to the mental health services
25 18 system for children, is amended to include a reference to the
25 19 comprehensive plan responsibility included in the bill.
25 20 The bill repeals Code section 225C.27, the purpose section
25 21 of the bill of rights and service quality standards of
25 22 persons with mental retardation, developmental disabilities,
25 23 brain injury, or chronic mental illness. The Code section
25 24 requires the commission to adopt rules to promote and encourage
25 25 fulfillment of the individual due process and participation
25 26 in planning rights provisions of the bill of rights in Code
25 27 section 225C.28B.
25 28 COMMISSION AND WAIVER NAME CHANGE. This division
25 29 changes the name of the mental health, mental retardation,
25 30 developmental disabilities, and brain injury commission to the
25 31 mental health and disability services commission and the name
25 32 of the home and community-based services waiver for persons
25 33 with mental retardation under the medical assistance program to
25 34 the waiver for persons with intellectual disabilities. Various
25 35 specific Code provisions are addressed and the Code editor is



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26 1 authorized to make these changes in other provisions.
LSB 5356XD (10) 83
jp/nh



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Senate Study Bill 3076

SENATE FILE

BY (PROPOSED COMMITTEE ON JUDICIARY
BILL BY CHAIRPERSON KREIMAN)

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 5016SC (7) 83

rh/nh



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PAG LIN

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



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2 1 period of more than one year from the date the structure,
2 2 property, development, or improvement is substantially
2 3 completed or abandoned.

2 4 8. "Residential construction" means construction on
2 5 single-family or two-family dwellings occupied or used,
2 6 or intended to be occupied or used, solely for residential
2 7 purposes, and includes real property pursuant to chapter 499B.

2 8 9. "State construction registry" means a centralized
2 9 computer database maintained and posted on the internet by
2 10 the authority that provides a central repository for the
2 11 submission and management of preliminary notices and notices
2 12 of commencement of work on all residential construction
2 13 properties.

2 14 10. "State construction registry number" means a number
2 15 provided by the authority for all construction properties
2 16 posted to the state construction registry.

2 17 ~~6.~~ 11. "Subcontractor" ~~shall include~~ includes every person
2 18 furnishing material or performing labor upon any building,
2 19 erection, or other improvement, except those having contracts
2 20 directly with the owner. "Subcontractor" shall include those
2 21 persons having contracts directly with an owner-builder.

2 22 Sec. 2. Section 572.2, Code 2009, is amended to read as
2 23 follows:

2 24 572.2 Persons entitled to lien.

2 25 1. Every person who ~~shall furnish~~ furnishes any material or
2 26 labor for, or ~~perform~~ performs any labor upon, any building or
2 27 land for improvement, alteration, or repair thereof, including
2 28 those engaged in the construction or repair of any work of
2 29 internal or external improvement, and those engaged in grading,
2 30 sodding, installing nursery stock, landscaping, sidewalk
2 31 building, fencing on any land or lot, by virtue of any contract
2 32 with the owner, general contractor, or subcontractor shall have
2 33 a lien upon such building or improvement, and land belonging
2 34 to the owner on which the same is situated or upon the land
2 35 or lot so graded, landscaped, fenced, or otherwise improved,



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3 1 altered, or repaired, to secure payment for the material or
3 2 labor furnished or labor performed.

3 3 2. If material is rented by a person to the owner,
3 4 general contractor, or subcontractor, the person shall have a
3 5 lien upon such building, improvement, or land to secure payment
3 6 for the material rental. The lien is for the reasonable rental
3 7 value during the period of actual use of the material and any
3 8 reasonable periods of nonuse of the material taken into account
3 9 in the rental agreement. The delivery of material to such
3 10 building, improvement, or land, whether or not delivery is made
3 11 by the person, creates a presumption that the material was
3 12 used in the course of alteration, construction, or repair of
3 13 the building, improvement, or land. However, this presumption
3 14 shall not pertain to recoveries sought under a surety bond.

3 15 3. An owner-builder is not entitled to a lien under
3 16 this chapter as to work the owner-builder performs, or is
3 17 contractually obligated to perform, prior to transferring title
3 18 to the buyer.

3 19 Sec. 3. Section 572.8, subsection 1, Code 2009, is amended
3 20 by adding the following new paragraph:

3 21 NEW PARAGRAPH. d. The address of the property or a
3 22 description of the location of the property.

3 23 Sec. 4. Section 572.9, Code 2009, is amended to read as
3 24 follows:

3 25 572.9 Time of filing.

3 26 The statement of account required by section 572.8 shall
3 27 be filed by a ~~principal~~ general contractor or subcontractor
3 28 within two years and ninety days after the date on which the
3 29 last of the material was furnished or the last of the labor was
3 30 performed.

3 31 Sec. 5. Section 572.10, Code 2009, is amended to read as
3 32 follows:

3 33 572.10 Perfecting lien after lapse of ninety days.

3 34 A general contractor or a subcontractor may perfect a
3 35 mechanic's lien pursuant to section 572.8 beyond ninety days



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

4 11 Sec. 6. Section 572.11, Code 2009, is amended to read as
4 12 follows:

4 13 572.11 Extent of lien filed after ninety days.
4 14 Liens perfected under section 572.10 shall be enforced
4 15 against the property or upon the bond, if given, by the owner
4 16 or owner=builder, only to the extent of the balance due from
4 17 the owner to the general contractor or owner=builder at the
4 18 time of the service of such notice; but if the bond was given by
4 19 the general contractor or owner=builder, or person contracting
4 20 with the subcontractor filing the claim for a lien, such bond
4 21 shall be enforced to the full extent of the amount found due
4 22 the subcontractor.

4 23 Sec. 7. Section 572.13, Code 2009, is amended by striking
4 24 the section and inserting in lieu thereof the following:

4 25 572.13 General contractor == owner notice == residential
4 26 construction.

4 27 1. A general contractor who has contracted or will contract
4 28 with a subcontractor to provide labor or furnish material for
4 29 the property shall provide the owner with the following owner
4 30 notice:

4 31 "Persons or companies furnishing labor or materials for
4 32 the improvement of real property may enforce a lien upon the
4 33 improved property if they are not paid for their contributions,
4 34 even if the parties have no direct contractual relationship
4 35 with the owner. The state construction registry provides



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5 1 a listing of all persons or companies furnishing labor or
5 2 materials who may file a lien upon the improved property.
5 3 If the person or company has posted its notice to the state
5 4 construction registry, you may be required to pay the person or
5 5 company even if you have paid the general contractor the full
5 6 amount due. Therefore, check the state construction registry
5 7 internet website for information about the property including
5 8 persons or companies furnishing labor or materials before
5 9 paying your general contractor. In addition, when making
5 10 payment to your general contractor, it is important to obtain
5 11 lien waivers from your general contractor and from persons or
5 12 companies furnishing labor or materials to your property. The
5 13 information in the state construction registry is posted on the
5 14 internet website of the Iowa finance authority."
5 15 2. A general contractor who fails to provide notice pursuant
5 16 to this section is not entitled to a lien and remedy provided
5 17 by this chapter.
5 18 3. This section applies only to residential construction
5 19 properties.
5 20 Sec. 8. NEW SECTION. 572.13A Notice of commencement of work ==
5 21 general contractor == owner=builder.
5 22 1. A general contractor or owner=builder shall submit
5 23 a notice of commencement of work to the authority or post
5 24 a notice of commencement of work to the state construction
5 25 registry internet website within ten days of commencement of
5 26 work on the property. A notice of commencement of work is
5 27 effective only as to any labor, service, equipment, or material
5 28 furnished to the property subsequent to the posting of the
5 29 notice of commencement of work. A notice of commencement of
5 30 work shall include all of the following information:
5 31 a. The name and address of the property owner.
5 32 b. The name and address of the general contractor or
5 33 owner=builder.
5 34 c. The address of the property if the property can be
5 35 reasonably identified by an address or the name and a general



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



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



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

8 7 Sec. 11. Section 572.15, Code 2009, is amended to read as
8 8 follows:

8 9 572.15 Discharge of ~~subcontractor's~~ mechanic's lien == bond.

~~8 10 A mechanic's lien may be discharged at any time by the owner,~~
~~8 11 principal contractor, or intermediate subcontractor~~ filing with
8 12 the clerk of the district court of the county in which the
8 13 property is located a bond in twice the amount of the sum for
8 14 which the claim for the lien is filed, with surety or sureties,
8 15 to be approved by the clerk, conditioned for the payment of any
8 16 sum for which the claimant may obtain judgment upon the claim.

8 17 Sec. 12. Section 572.17, Code 2009, is amended to read as
8 18 follows:

8 19 572.17 Priority of mechanics' liens between mechanics.

8 20 Mechanics' liens shall have priority over each other in
8 21 the order of the filing of the statements ~~or~~ of accounts as
8 22 ~~herein~~ provided in section 572.8.

8 23 Sec. 13. Section 572.18, subsections 1 and 3, Code 2009, are
8 24 amended to read as follows:

8 25 1. Mechanics' liens filed by a ~~principal~~ general contractor
8 26 or subcontractor within ninety days after the date on which
8 27 the last of the material was furnished or the last of the
8 28 claimant's labor was performed and for which notices were
8 29 required to be submitted or posted to the state construction

registry internet website pursuant to sections 572.13A and
8 31 572.13B shall be superior to all other liens which may attach
8 32 to or upon a building or improvement and to the land upon which
8 33 it is situated, except liens of record prior to the time of the
8 34 original commencement of the claimant's work or the claimant's
8 35 improvements, except as provided in subsection 2.



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9 1 3. The rights of purchasers, encumbrancers, and other
9 2 persons who acquire interests in good faith, for a valuable
9 3 consideration, and without notice of a lien perfected
9 4 pursuant to this chapter, are superior to the claims of all
9 5 general contractors or subcontractors who have perfected their
9 6 liens more than ninety days after the date on which the last
9 7 of the claimant's material was furnished or the last of the
9 8 claimant's labor was performed.

9 9 Sec. 14. Section 572.22, unnumbered paragraph 1, Code 2009,
9 10 is amended to read as follows:

9 11 The clerk of the court shall endorse upon every claim for
9 12 a mechanic's lien filed in the clerk's office the date and
9 13 hour of filing and ~~make an abstract thereof in the mechanic's~~
~~9 14 lien book kept for that purpose. Said book shall be properly~~
9 15 indexed and index every claim in the office of the clerk of the
9 16 county where such real estate is situated. Each claim shall
9 17 contain the following items concerning each claim:

9 18 Sec. 15. Section 572.23, subsection 1, Code 2009, is amended
9 19 to read as follows:

9 20 1. When a mechanic's lien is satisfied by payment of the
9 21 claim, the claimant shall acknowledge satisfaction thereof ~~upon~~
~~9 22 the mechanic's lien book, or otherwise in writing, and, if the~~
9 23 claimant neglects to do so for thirty days after demand in
9 24 writing is personally served upon the claimant, the claimant
9 25 shall forfeit and pay twenty-five dollars to the owner or
9 26 general contractor or owner-builder, and be liable to any
9 27 person injured to the extent of the injury.

9 28 Sec. 16. Section 572.30, Code 2009, is amended to read as
9 29 follows:

9 30 572.30 Action by subcontractor or owner against
9 31 general contractor or owner-builder.

9 32 Unless otherwise agreed, a ~~principal~~ general contractor or
9 33 owner-builder who engages a subcontractor to supply labor or
9 34 materials or both for improvements, alterations or repairs
9 35 to a specific ~~owner-occupied dwelling~~ property shall



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



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11 1 the improvement made from any claim for payment of anyone
11 2 furnishing labor or material for the improvement, other than
11 3 the ~~principal~~ general contractor or owner-builder.

11 4 Sec. 17. Section 572.31, Code 2009, is amended to read as
11 5 follows:

11 6 572.31 ~~Co-operative~~ Cooperative and condominium housing.

11 7 A lien arising under this chapter as a result of the
11 8 construction of an apartment house or apartment building which
11 9 is owned on a ~~co-operative~~ cooperative basis under chapter
11 10 499A, or which is submitted to a horizontal property regime
11 11 under chapter 499B, is not enforceable, notwithstanding any
11 12 contrary provision of this chapter, as against the interests
11 13 of an owner in ~~an owner-occupied dwelling~~ a unit contained in
11 14 the apartment house or apartment building acquired in good
11 15 faith and for valuable consideration, unless a lien statement
11 16 specifically describing the ~~dwelling~~ unit is filed under
11 17 section 572.8 within the applicable time period specified in
11 18 section 572.9, but determined from the date on which the last
11 19 of the material was supplied or the last of the labor was
11 20 performed in the construction of that ~~dwelling~~ unit.

11 21 Sec. 18. Section 572.32, Code 2009, is amended to read as
11 22 follows:

11 23 572.32 Attorney fees == remedies.

11 24 1. In a court action to enforce a mechanic's lien, ~~if~~
~~11 25 the plaintiff furnished labor or materials directly to the~~
~~11 26 defendant,~~ a prevailing plaintiff may be awarded reasonable
11 27 attorney fees.

11 28 2. In a court action to challenge a filed mechanic's lien
11 29 ~~filed on an owner-occupied dwelling,~~ if the person challenging
11 30 the lien prevails, the court may award reasonable attorney
11 31 fees and actual damages. If the court determines that the
11 32 mechanic's lien was filed in bad faith or the supporting
11 33 affidavit was materially false, the court shall award the owner
11 34 reasonable attorney fees plus an amount not less than five
11 35 hundred dollars or the amount of the lien, whichever is less.



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12 1 Sec. 19. Section 572.33, Code 2009, is amended to read as
12 2 follows:

12 3 572.33 Requirement of notification for commercial
12 4 construction.

12 5 1. The notification requirements in this section apply only
12 6 to commercial construction.

12 7 ~~1. 2.~~ A person furnishing labor or materials to a
12 8 subcontractor shall not be entitled to a lien under this
12 9 chapter unless the person furnishing labor or materials does
12 10 all of the following:

12 11 a. Notifies the principal general contractor or
12 12 owner=builder in writing with a one=time notice containing
12 13 the name, mailing address, and telephone number of the
12 14 person furnishing the labor or materials, and the name of the
12 15 subcontractor to whom the labor or materials were furnished,
12 16 within thirty days of first furnishing labor or materials for
12 17 which a lien claim may be made. Additional labor or materials
12 18 furnished by the same person to the same subcontractor for
12 19 use in the same construction project shall be covered by this
12 20 notice.

12 21 b. Supports the lien claim with a certified statement that
12 22 the principal general contractor or owner=builder was notified
12 23 in writing with a one=time notice containing the name, mailing
12 24 address, and telephone number of the person furnishing the
12 25 labor or materials, and the name of the subcontractor to whom
12 26 the labor or materials were furnished, within thirty days
12 27 after the labor or materials were first furnished, pursuant to
12 28 paragraph "a".

12 29 ~~2. This section shall not apply to a mechanic's lien on~~
12 30 ~~single=family or two=family dwellings occupied or used or~~
12 31 ~~intended to be occupied or used for residential purposes.~~

12 32 3. Notwithstanding other provisions of this chapter, a
12 33 principal general contractor or owner=builder shall not be
12 34 prohibited from requesting information from a subcontractor
12 35 or a person furnishing labor or materials to a subcontractor



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



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14 1 transmission, or other alternate method as provided by the
14 2 authority pursuant to rule.
14 3 9. Information collected by and furnished to the authority
14 4 in conjunction with the submission and posting of notices
14 5 pursuant to sections 572.13A and 572.13B shall be used by the
14 6 authority solely for the purposes of the state construction
14 7 registry.

14 8 10. This section applies only to residential construction
14 9 properties.

14 10 Sec. 21. Section 572.16, Code 2009, is repealed.

14 11 Sec. 22. EFFECTIVE DATE. This Act takes effect July 1,
14 12 2011.

14 13 EXPLANATION

14 14 This bill relates to mechanics' liens including the
14 15 establishment of a state construction registry for residential
14 16 construction property and provides an effective date.

14 17 The bill changes all references to "principal contractor"
14 18 and "contractor" to "general contractor", defined in the
14 19 bill to mean a person who does work or furnishes materials
14 20 by contract, express or implied, with an owner. "General
14 21 contractor" does not include a person who does work or
14 22 furnishes materials on contract with an owner=builder.

14 23 The bill defines "owner=builder" as the record titleholder
14 24 who offers or intends to offer to sell the owner=builder's
14 25 property without occupying or using the structures, properties,
14 26 developments, or improvements for more than one year from the
14 27 date the structure, property, development, or improvement
14 28 is substantially completed or abandoned. The bill extends
14 29 provisions currently in the Code for general contractors to
14 30 owner=builders. These provisions relate to perfecting a lien,
14 31 the acknowledgment of a lien that has been satisfied by payment
14 32 of a claim, actions by subcontractors or owners to recover
14 33 amounts due, and certain notification requirements. The bill
14 34 also extends provisions for general contractors relating to
14 35 notification requirements for commercial construction to



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15 1 owner-builders.

15 2 The bill provides that a person who intends to perfect a
15 3 mechanic's lien shall include the address of the property or
15 4 a description of the location of the property in the person's
15 5 verified statement.

15 6 The bill provides that a general contractor who has
15 7 contracted or will contract with a subcontractor to provide
15 8 labor or furnish material for the property shall provide the
15 9 owner with an owner notice stating that persons or companies
15 10 furnishing labor or materials for the improvement of real
15 11 property may enforce a lien upon the improved property if they
15 12 are not paid, even if the parties have no direct contractual
15 13 relationship with the owner. The notice shall also provide
15 14 information relating to the availability of information posted
15 15 on the state construction registry established by the bill.
15 16 A general contractor who fails to provide such notice to
15 17 the owner is not entitled to a mechanic's lien and remedies
15 18 pursuant to Code chapter 572.

15 19 The bill provides that a general contractor or owner-builder
15 20 shall submit a notice of commencement of work to the Iowa
15 21 finance authority or post a notice of commencement of
15 22 work, including certain specific information, to the state
15 23 construction registry.

15 24 The bill requires a subcontractor to submit a preliminary
15 25 notice to the authority or post a preliminary notice, including
15 26 certain specific information, to the state construction
15 27 registry. A preliminary notice received by the authority or
15 28 posted prior to the balance paid to the general contractor
15 29 or owner-builder by the owner is effective as to all labor,
15 30 service, equipment, or material furnished to the property
15 31 subsequent to the posting of the notice of commencement
15 32 of work. A subcontractor who fails to submit or post a
15 33 preliminary notice pursuant shall not be entitled to a lien and
15 34 remedy provided under Code chapter 572.

15 35 The bill provides that the provisions relating to the



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16 1 requirement that a general contractor and a subcontractor
16 2 post notices to the state construction registry apply only to
16 3 residential construction properties.
16 4 The bill provides that payment to the general contractor or
16 5 owner=builder by the owner of any part or all of the contract
16 6 price of the building or improvement within 90 days after the
16 7 date on which the last of the materials was furnished or the
16 8 last of the labor was performed by a subcontractor, does not
16 9 relieve the owner from liability to the subcontractor for the
16 10 full value of any material furnished or labor performed upon
16 11 the building, land, or improvement if the subcontractor files
16 12 a lien within 90 days after the date on which the last of the
16 13 materials was furnished or the last of the labor was performed.
16 14 The bill provides for the creation of a state construction
16 15 registry for residential construction property for the
16 16 posting of notices by general contractors, owner=builders, and
16 17 subcontractors which such persons must post in order to protect
16 18 their lien rights. The state construction registry, once
16 19 created, shall be a publicly accessible centralized electronic
16 20 database created and maintained by the Iowa finance authority.
16 21 The Iowa finance authority shall adopt rules pursuant to Code
16 22 chapter 17A for the creation and administration of the registry
16 23 which shall include a specific index and which shall be funded
16 24 through the collection of fees. The registry provides a
16 25 centralized resource of all persons or companies furnishing
16 26 labor or materials who may file a lien upon the improved
16 27 property. Data collected by and furnished to the authority in
16 28 conjunction with the submission and posting of notices to the
16 29 state construction registry internet website shall be used by
16 30 the authority for the purposes of the registry.
16 31 The bill eliminates the requirement that the clerk of court
16 32 make an abstract of a claim for a mechanic's lien but requires
16 33 the clerk instead to index every claim in the office of the
16 34 county where such real estate is located.
16 35 The bill expands the right to recover attorney fees from any



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17 1 prevailing plaintiff who furnishes materials or labor directly
17 2 to the defendant to any prevailing defendant.

17 3 The bill repeals Code section 572.16 relating to rules of
17 4 construction regarding the owner's obligation to pay certain
17 5 amounts in the owner's contract with the general contractor.

17 6 The bill takes effect July 1, 2011.

LSB 5016SC (7) 83

rh/nh



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Senate Study Bill 3077

SENATE FILE

BY (PROPOSED COMMITTEE ON REBUILD
IOWA BILL BY CHAIRPERSON HOGG)

A BILL FOR

1 An Act providing for the doubling of criminal fines in disaster
2 areas, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5705XC (3) 83
jm/nh



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1 1 Section 1. NEW SECTION. 902.15 Criminal offense committed
1 2 in a federal disaster area.

1 3 When the president of the United States declares a major
1 4 disaster exists in this state, or the governor proclaims a
1 5 state of disaster emergency exists pursuant to section 29C.6,
1 6 the minimum fine pursuant to section 902.9 or the minimum
1 7 civil penalty pursuant to section 907.14 shall double for the
1 8 following felony criminal offenses committed in a disaster area
1 9 if the offender knew the criminal offense was committed in such
1 10 an area:

1 11 1. Burglary-related offenses in violation of section 713.4,
1 12 713.5, 713.6, or 713.6A, subsection 1.

1 13 2. Theft offenses in violation of section 714.2, subsection
1 14 1 or 2.

1 15 3. Criminal mischief offenses in violation of section 716.3
1 16 or 716.4.

1 17 Sec. 2. NEW SECTION. 903.7 Criminal offense committed in
1 18 a federal disaster area.

1 19 When the president of the United States declares a major
1 20 disaster exists in this state, or the governor proclaims a
1 21 state of disaster emergency exists pursuant to section 29C.6,
1 22 the minimum fine under section 903.1 or the minimum civil
1 23 penalty pursuant under section 907.14 shall double for the
1 24 following misdemeanor criminal offenses committed in a disaster
1 25 area if the offender knew the criminal offense was committed in
1 26 such an area:

1 27 1. Burglary-related offenses in violation of section
1 28 713.6A, subsection 2, or section 713.6B or 713.7.

1 29 2. Theft offenses in violation of section 714.2, subsection
1 30 3, 4, or 5.

1 31 3. Criminal mischief offenses in violation of section 716.5
1 32 or 716.6.

1 33 EXPLANATION

1 34 This bill provides for the doubling of criminal fines in
1 35 disaster areas.



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2 1 Under the bill, if the president of the United States
2 2 declares a major disaster exists in this state, or the governor
2 3 proclaims a state of disaster emergency exists, the minimum
2 4 fine or civil penalty shall double for certain criminal
2 5 offenses committed in the disaster area, if the offender knew
2 6 the criminal offense was committed in such an area.

2 7 The bill doubles the minimum fine under Code section 902.9 or
2 8 the civil penalty under Code section 907.14 for the following
2 9 felony offenses: Code sections 714.4 (attempted burglary in
2 10 the first degree), 713.5 (burglary in the second degree), 713.6
2 11 (attempted burglary in the second degree), 713.6A(1) (burglary
2 12 in the third degree), 714.2(1) (theft in the first degree),
2 13 714.2(2) (theft in the second degree), 716.3 (criminal mischief
2 14 in the first degree), and 716.4 (criminal mischief in the
2 15 second degree).

2 16 The bill also doubles the minimum fine pursuant to
2 17 Code section 903.1 or the civil penalty for the following
2 18 misdemeanor offenses: Code sections 713.6A(2) (burglary in the
2 19 third degree), 713.6B (attempted burglary in the third degree),
2 20 713.7 (possession of burglar's tools), 714.2(3) (theft in the
2 21 third degree), 714.2(4) (theft in the fourth degree), 714.2(5)
2 22 (theft in the fifth degree), 716.5 (criminal mischief in the
2 23 third degree), and 714.6 (criminal mischief in the fourth and
2 24 fifth degrees).

LSB 5705XC (3) 83

jm/nh



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Senate Study Bill 3078

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT OF HUMAN
RIGHTS BILL)

A BILL FOR

1 An Act relating to the provision of deliverable fuels to
2 customers eligible for the federal low-income home energy
3 assistance program, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5443XD (5) 83
rn/nh



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1 1 Section 1. NEW SECTION. 216A.105 Deliverable fuels access
1 2 for low-income home energy assistance program customers ==
1 3 rulemaking authority.

1 4 1. The rulemaking authority of the division shall apply to
1 5 all deliverable fuel vendors regarding the provision of service
1 6 to low-income home energy assistance program customers.

1 7 2. The division shall adopt rules governing contracts and
1 8 agreements with deliverable fuel vendors in order to protect
1 9 the rights of persons who heat their homes with deliverable
1 10 fuels and who are eligible for the federal low-income home
1 11 energy assistance program. This section shall be narrowly
1 12 construed to confer rulemaking authority strictly with respect
1 13 to customer access to deliverable fuels from November 1 to
1 14 April 1 annually.

1 15 3. For the purposes of this section, unless the context
1 16 otherwise requires:

1 17 a. "Deliverable fuel" means propane or any other heating
1 18 fuel sold or delivered within this state for home heating
1 19 purposes.

1 20 b. "Deliverable fuel vendor" means a retail propane
1 21 dispenser, retail propane marketer, or a retail dispenser or
1 22 marketer of a deliverable fuel other than propane.

1 23 c. "Propane", "retail propane dispenser", and "retail propane
1 24 marketer" mean the same as defined in section 101C.2.

1 25 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 26 immediate importance, takes effect upon enactment.

1 27 EXPLANATION

1 28 This bill confers rulemaking authority upon the division
1 29 of community action agencies of the department of human
1 30 rights with respect to ensuring access by customers eligible
1 31 for the federal low-income home energy assistance program to
1 32 deliverable fuels for home heating purposes. The bill provides
1 33 that the division shall adopt rules governing contracts and
1 34 agreements with deliverable fuel vendors in order to protect
1 35 the rights of eligible persons who heat their homes with



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2 1 deliverable fuels. The rulemaking authority is to be narrowly
2 2 construed to apply strictly to customer access to deliverable
2 3 fuels from November 1 to April 1 annually.
2 4 The bill takes effect upon enactment.

LSB 5443XD (5) 83

rn/nh



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Senate Study Bill 3079

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

A BILL FOR

1 An Act relating to various activities regulated and programs
2 administered by the department of public health, including
3 the Iowa collaborative safety net provider network,
4 fetal death certification, and optometry, cosmetology,
5 and barbering licensure, and including effective date
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5263DP (12) 83

jr/nh



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1 1 Section 1. Section 135.24, subsection 7, paragraph e, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 e. "Specialty health care provider office" means the
1 4 private office or clinic of an individual specialty health
1 5 care provider or group of specialty health care providers as
1 6 referred by the ~~Iowa collaborative safety net provider network~~
~~1 7 established in section 135.153~~ Iowa specialty care referral
1 8 network, but does not include a field dental clinic, a free
1 9 clinic, or a hospital.

1 10 Sec. 2. Section 144.31, Code 2009, is amended to read as
1 11 follows:

1 12 144.31 Medical certification == fetal death.

1 13 1. The medical certification for a fetal death shall be
1 14 completed within ~~twenty-four~~ seventy-two hours after delivery
1 15 by the physician in attendance at or after delivery except when
1 16 inquiry is required by the county medical examiner.

1 17 2. When a fetal death occurs without medical attendance upon
1 18 the mother at or after delivery or when inquiry is required
1 19 by the county medical examiner, the medical examiner shall
1 20 investigate the cause of fetal death and shall complete the
1 21 medical certification within ~~twenty-four~~ seventy-two hours
1 22 after taking charge of the case. The person completing the
1 23 medical certification of cause of fetal death shall attest to
1 24 its accuracy either by signature or as authorized by rule.

1 25 Sec. 3. Section 148.3, subsection 1, paragraph a,
1 26 unnumbered paragraph 1, Code Supplement 2009, is amended to
1 27 read as follows:

1 28 A Evidence of a diploma issued by a medical college or
1 29 college of osteopathic medicine and surgery approved by the
1 30 board, or other evidence of equivalent medical education
1 31 approved by the board. The board may accept, in lieu of a
1 32 diploma from a medical college approved by the board, all of
1 33 the following:

1 34 Sec. 4. Section 154.1, Code 2009, is amended to read as
1 35 follows:



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2 1 154.1 ~~Board defined== optometry == diagnostically~~
~~2 2 certified licensed optometrists == therapeutically certified~~
~~2 3 optometrists Definitions == optometry.~~
2 4 1. As used in this chapter, "board":
2 5 a. "Board" means the board of optometry created under
2 6 chapter 147.
2 7 b. "Licensed optometrist" means an optometrist who is
2 8 licensed to practice optometry in this state pursuant to this
2 9 chapter.
2 10 2. For the purpose of this subtitle, the following classes
2 11 of persons shall be deemed to be engaged in the practice of
2 12 optometry:
2 13 a. Persons employing any means other than the use of drugs,
2 14 medicine, or surgery for the measurement of the visual power
2 15 and visual efficiency of the human eye; persons engaged in
2 16 the prescribing and adapting of lenses, prisms, and contact
2 17 lenses; and persons engaged in the using or employing of visual
2 18 training or ocular exercise for the aid, relief, or correction
2 19 of vision.
2 20 b. Persons who allow the public to use any mechanical device
2 21 for a purpose described in paragraph "a".
2 22 c. Persons who publicly profess to be optometrists and to
2 23 assume the duties incident to the profession.
2 24 3. ~~Diagnostically certified licensed optometrists may~~
~~2 25 employ cycloplegics, mydriatics, and topical anesthetics as~~
~~2 26 diagnostic agents topically applied to determine the condition~~
~~2 27 of the human eye for proper optometric practice or referral~~
~~2 28 for treatment to a person licensed under chapter 148. A~~
~~2 29 diagnostically certified licensed optometrist is an optometrist~~
~~2 30 who is licensed to practice optometry in this state and who is~~
~~2 31 certified by the board to use diagnostic agents.~~
2 32 4. ~~Therapeutically certified optometrists may employ all~~
~~2 33 diagnostic and therapeutic pharmaceutical agents for the~~
~~2 34 purpose of diagnosis and treatment of conditions of the human~~
~~2 35 eye and adnexa pursuant to this subsection, excluding the~~



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~~— 3 1 use of injections other than to counteract an anaphylactic
— 3 2 reaction, and notwithstanding section 147.107, may without
— 3 3 charge supply any of the above pharmaceuticals to commence a
— 3 4 course of therapy. Therapeutically certified optometrists may
— 3 5 prescribe oral steroids for a period not to exceed fourteen
— 3 6 days without consultation with a physician. Therapeutically
— 3 7 certified optometrists shall not prescribe oral Imuran or
— 3 8 oral Methotrexate. Therapeutically certified optometrists
— 3 9 may be authorized, where reasonable and appropriate, by
— 3 10 rule of the board, to employ new diagnostic and therapeutic
— 3 11 pharmaceutical agents approved by the United States food
— 3 12 and drug administration on or after July 1, 2002, for the
— 3 13 diagnosis and treatment of the human eye and adnexa. The
— 3 14 board shall not be required to adopt rules relating to
— 3 15 topical pharmaceutical agents, oral antimicrobial agents,
— 3 16 oral antihistamines, oral antiglaucoma agents, and oral
— 3 17 analgesic agents. Superficial foreign bodies may be removed
— 3 18 from the human eye and adnexa. The therapeutic efforts of
— 3 19 a therapeutically certified optometrist are intended for the
— 3 20 purpose of examination, diagnosis, and treatment of visual
— 3 21 defects, abnormal conditions, and diseases of the human eye
— 3 22 and adnexa, for proper optometric practice or referral for
— 3 23 consultation or treatment to persons licensed under chapter
— 3 24 148. A therapeutically certified optometrist is an optometrist
— 3 25 who is licensed to practice optometry in this state and who
— 3 26 is certified by the board to use the agents and procedures
— 3 27 authorized pursuant to this subsection.~~

3 28 3. Beginning July 1, 2012, all licensed optometrists shall
3 29 meet requirements as established by the board by rule to
3 30 employ diagnostic and therapeutic pharmaceutical agents for
3 31 the practice of optometry. All licensees practicing optometry
3 32 in this state shall have demonstrated qualifications and have
3 33 obtained certification to use diagnostic and therapeutic
3 34 pharmaceutical agents as a condition of license renewal.

3 35 4. A licensed optometrist may do any of the following:



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4 1 a. Employ cycloplegics, mydriatics, and topical anesthetics
4 2 as diagnostic agents topically applied to determine the
4 3 condition of the human eye for proper optometric practice or
4 4 referral for treatment to a person licensed under chapter 148.
4 5 b. Employ therapeutic pharmaceutical agents for the purpose
4 6 of diagnosis and treatment of conditions of the human eye
4 7 and adnexa pursuant to this subsection, excluding the use of
4 8 injections other than to counteract an anaphylactic reaction,
4 9 and notwithstanding section 147.107, may without charge supply
4 10 any of the pharmaceuticals described in paragraph "a" to
4 11 commence a course of therapy.
4 12 c. Prescribe oral steroids for a period not to exceed
4 13 fourteen days without consultation with a physician. However,
4 14 a licensed optometrist shall not prescribe oral Imuran or oral
4 15 Methotrexate. Licensed optometrists may be authorized, where
4 16 reasonable and appropriate, by rule of the board, to employ new
4 17 diagnostic and therapeutic pharmaceutical agents approved by
4 18 the United States food and drug administration on or after July
4 19 1, 2002, for the diagnosis and treatment of the human eye and
4 20 adnexa. The board is not required to adopt rules relating to
4 21 topical pharmaceutical agents, oral antimicrobial agents, oral
4 22 antihistamines, oral antiglaucoma agents, or oral analgesic
4 23 agents.
4 24 d. Remove superficial foreign bodies from the human eye and
4 25 adnexa.
4 26 5. The therapeutic efforts of a licensed optometrist
4 27 are intended for the purpose of examination, diagnosis, and
4 28 treatment of visual defects, abnormal conditions, and diseases
4 29 of the human eye and adnexa, for proper optometric practice
4 30 or referral for consultation or treatment to persons licensed
4 31 under chapter 148.
4 32 Sec. 5. Section 154.10, Code 2009, is amended by striking
4 33 the section and inserting in lieu thereof the following:
4 34 154.10 Standard of care.
4 35 Licensed optometrists employing diagnostic and therapeutic



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5 1 pharmaceutical agents as authorized by section 154.1 shall be
5 2 held to the same standard of care in the use of such agents and
5 3 in diagnosis and treatment as is common to persons licensed
5 4 under chapter 148.

5 5 Sec. 6. Section 157.1, subsection 5, paragraph c, Code 2009,
5 6 is amended to read as follows:

5 7 c. Removing superfluous hair from the face or body of a
5 8 person with the use of depilatories, wax, sugars, threading, or
5 9 tweezing.

5 10 Sec. 7. Section 157.1, subsection 12, paragraph c, Code
5 11 2009, is amended to read as follows:

5 12 c. Removing superfluous hair from the body of a person
5 13 by the use of depilatories, waxing, sugaring, tweezers,
5 14 threading, or use of any certified laser products or
5 15 intense pulsed light devices. This excludes the practice of
5 16 electrology, whereby hair is removed with an electric needle.

5 17 Sec. 8. Section 157.8, subsection 2, Code 2009, is amended
5 18 to read as follows:

5 19 2. The number of instructors for each school shall
5 20 be based upon total enrollment, with a minimum of two
5 21 licensed instructors employed on a full-time basis for up to
5 22 thirty students and an additional licensed instructor for each
5 23 fifteen additional students. A student instructor shall not be
5 24 used to meet licensed instructor-to-student ratios. However,

~~5 25 a~~ A school operated by an area community college prior to
5 26 September 1, 1982, with only one instructor per fifteen
5 27 students is not subject to this paragraph and may continue to
5 28 operate with the ratio of one licensed instructor to fifteen
5 29 students. A student instructor may not be used to meet this
5 30 requirement.

5 31 a. A person employed as an instructor in the cosmetology
5 32 arts and sciences by a licensed school shall be licensed in
5 33 the practice and shall possess a separate instructor's license
5 34 which shall be renewed biennially. An instructor shall file
5 35 an application with the department on forms prescribed by the



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6 1 board. ~~Prior to licensure, an applicant for an instructor's~~
6 2 ~~license shall have been actively engaged in the practice for a~~
6 3 ~~period of two years and complete a course of study required by~~
6 4 ~~the board or an instructor's course at a school for cosmetology~~
6 5 ~~arts and sciences, and meet any other requirement established~~
6 6 ~~by the board. Requirements for licensure as an instructor~~
6 7 ~~shall be determined by the board by rule.~~

6 8 b. The application for an instructor's license shall be
6 9 accompanied by the biennial fee determined pursuant to section
6 10 147.80.

6 11 Sec. 9. Section 158.4, subsection 2, Code 2009, is amended
6 12 to read as follows:

6 13 2. The department may issue a temporary permit ~~for the~~
6 14 ~~purpose of demonstrating barbering upon recommendation of the~~
6 15 ~~board which allows the applicant to practice barbering for~~
6 16 ~~purposes determined by rule. The board shall determine and~~
6 17 ~~state its recommendations and the length of time the temporary~~
6 18 ~~permit issued under this subsection is valid.~~

6 19 Sec. 10. REPEAL. Section 152B.13, Code Supplement 2009, is
6 20 repealed.

6 21 Sec. 11. EFFECTIVE DATE. The sections of this Act amending
6 22 sections 154.1 and 154.10 take effect July 1, 2012.

6 23 EXPLANATION

6 24 This bill contains revisions to a variety of programs and
6 25 licensing provisions administered by the department of public
6 26 health.

6 27 The bill amends Code section 144.31 to extend the deadline
6 28 for fetal death certification from 24 hours to 72 hours, making
6 29 this requirement consistent with the time frames for other
6 30 death certifications.

6 31 The bill amends Code section 148.3 to allow the submission of
6 32 medical education documentation previously submitted to another
6 33 state's licensing authority rather than having to provide the
6 34 actual diploma.

6 35 The bill repeals Code section 152B.13, establishing the



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7 1 board of respiratory care. Similar language exists in Code
7 2 chapter 147, which regulates health professions generally.
7 3 The bill amends Code sections 154.1 and 154.10, relating to
7 4 the practice of optometry, effective July 1, 2012. On that
7 5 July 1, 2012 date, the amendment requires optometrists to
7 6 meet board requirements to employ diagnostic and therapeutic
7 7 pharmaceutical agents. The bill eliminates the option of
7 8 preparation and certification at the diagnostic level only, and
7 9 requires every optometrist to demonstrate qualification and
7 10 certification to use both diagnostic and therapeutic agents as
7 11 a condition of license renewal.
7 12 The bill amends Code section 157.1 by adding the practice
7 13 of threading to the scope of practice of cosmetology and
7 14 esthetics. The bill also amends Code section 157.8, by
7 15 providing that a student instructor does not count toward
7 16 meeting the instructor=student ratio detailed in that Code
7 17 section. In addition, the bill strikes specific licensure
7 18 requirements and provides that licensure requirements for
7 19 instructors will be determined by rule.
7 20 Code section 158.4 allows the department to issue a
7 21 temporary barbering permit for persons who are demonstrating
7 22 barbering techniques. The bill empowers the department to
7 23 determine by rule the reasons for which a temporary permit may
7 24 be issued.

LSB 5263DP (12) 83

jr/nh



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Senate Study Bill 3080

SENATE FILE

BY (PROPOSED COMMITTEE ON COMMERCE
BILL BY CHAIRPERSON WARNSTADT)

A BILL FOR

1 An Act relating to the practice of mortuary science and to the
2 preneed sale of cemetery and funeral merchandise and funeral
3 services and providing a penalty.

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

TLSB 5226XC (12) 83

av/sc



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1 1 Section 1. NEW SECTION. 272C.2B Continuing education
1 2 minimum requirements == mortuary science.

1 3 1. The board of mortuary science, created pursuant to
1 4 chapter 147, shall require, as a condition of license renewal,
1 5 a minimum of twenty-four hours of continuing education in the
1 6 two years immediately prior to a licensee's license renewal.
1 7 The board of mortuary science may notify funeral director
1 8 licensees on a quarterly basis regarding continuing education
1 9 opportunities.

1 10 2. A person licensed to practice mortuary science in this
1 11 state shall be deemed to have complied with the continuing
1 12 education requirements of this state during periods that
1 13 the person serves honorably on active duty in the military
1 14 services, or for periods that the person is a government
1 15 employee working in the person's licensed specialty and
1 16 assigned to duty outside of the United States, or for other
1 17 periods of active practice and absence from the state approved
1 18 by the board of mortuary science.

1 19 Sec. 2. Section 523A.201, subsections 2, 3, 5, and 8, Code
1 20 2009, are amended to read as follows:

1 21 2. If a seller agrees to furnish cemetery merchandise,
1 22 funeral merchandise, funeral services, or a combination thereof
1 23 and performance or delivery may be more than one hundred twenty
1 24 days following the initial payment on the account, ~~a minimum~~
~~1 25 of eighty percent of all payments made under the purchase~~
1 26 agreement shall be placed and remain in trust until the person
1 27 for whose benefit the funds were paid dies.

1 28 3. If a purchase agreement for cemetery merchandise,
1 29 funeral merchandise, funeral services, or a combination
1 30 thereof provides that payments are to be made in installments,
1 31 the seller shall deposit ~~eighty percent of each payment~~ all
1 32 payments made under the purchase agreement in the trust fund
1 33 until the full amount required to be placed in trust has been
1 34 deposited. If the purchase agreement is financed with or sold
1 35 to a financial institution, the purchase agreement shall be



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2 1 considered paid in full and the trust requirements shall be
2 2 satisfied within fifteen days after the seller receives funds
2 3 from the financial institution.
2 4 5. ~~Unless a seller deposits all of each payment in a~~
~~2 5 trust fund that meets the requirements of this section and~~
~~2 6 section 523A.202 For purchase agreements entered into prior to~~
~~2 7 July 1, 2010, where the seller deposited an amount less than~~
~~2 8 one hundred percent of each payment made under the purchase~~
~~2 9 agreement in trust, the seller shall have a fidelity bond or~~
2 10 similar insurance in an amount of not less than fifty thousand
2 11 dollars to protect against the loss of purchaser payments
2 12 not placed in trust within the time period required by this
2 13 section and section 523A.202. The commissioner may require a
2 14 greater amount as the commissioner determines is necessary.
2 15 If the seller changes ownership, the fidelity bond or similar
2 16 insurance shall continue in force for at least one year after
2 17 the transfer of ownership.
2 18 8. Interest or income earned on amounts deposited in trust
2 19 shall remain in trust under the same terms and conditions
2 20 as payments made under the purchase agreement, ~~except that~~
~~2 21 a limited liability corporation that was formed in 2002 for~~
~~2 22 the purpose of purchasing a cemetery from a foreign entity~~
~~2 23 reorganizing under bankruptcy and such corporation is comprised~~
~~2 24 of six establishments all located within the same county may~~
~~2 25 withdraw so much of the interest or income as represents the~~
~~2 26 difference between the amount needed to adjust the trust~~
~~2 27 funds for inflation as set by the commissioner based on the~~
~~2 28 consumer price index and the interest or income earned during~~
~~2 29 the preceding year not to exceed fifty percent of the total~~
~~2 30 interest or income on a calendar-year basis. The early~~
~~2 31 withdrawal of interest or income under this provision does~~
~~2 32 not affect the purchaser's right to a credit of such interest~~
~~2 33 or income in the event of a nonguaranteed price agreement,~~
~~2 34 cancellation, or nonperformance by such limited liability~~
~~2 35 corporation.~~



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3 1 Sec. 3. Section 523A.202, subsections 1 and 4, Code
3 2 Supplement 2009, are amended to read as follows:

3 3 1. All funds held in trust pursuant to section 523A.201
3 4 shall be deposited in a financial institution located in this
3 5 state within fifteen days following receipt of the funds. The
3 6 financial institution shall hold the funds for the designated
3 7 beneficiary until released.

3 8 4. This section does not prohibit moving trust funds from
3 9 one financial institution to another financial institution
3 10 located in this state if the commissioner is notified of the
3 11 change within thirty days of the transfer of the trust funds.

3 12 Sec. 4. Section 523A.207, Code 2009, is amended to read as
3 13 follows:

3 14 523A.207 Audits by certified public accountants == penalties.

3 15 A purchase agreement shall not be sold or transferred, as
3 16 part of the sale of a business or the assets of a business,
3 17 until an audit has been performed by a certified public
3 18 accountant and filed with the commissioner that expresses the
3 19 auditor's opinion of the adequacy of funding related to the
3 20 purchase agreements to be sold or transferred. If the buyer of
3 21 a purchase agreement sold or transferred as part of the sale
3 22 of a business or the assets of a business, fails to file such
3 23 an audit, the commissioner shall suspend the preneed seller's
3 24 license of the buyer and the preneed sales license of any sales
3 25 agent in the employ of the buyer until the audit is filed. In
3 26 addition, the commissioner shall assess a penalty against the
3 27 buyer in an amount up to one hundred dollars for each day that
3 28 the audit remains unfiled.

3 29 Sec. 5. Section 523A.405, subsection 8, Code 2009, is
3 30 amended to read as follows:

3 31 8. The amount of the surety bond shall equal ~~eighty~~
3 32 ~~percent~~ the amount of the payments received pursuant to
3 33 purchase agreements, or the applicable portion thereof, for
3 34 cemetery merchandise, funeral merchandise, funeral services,
3 35 or a combination thereof, and the amount needed to adjust



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4 1 the amount of the surety bond for inflation as set by the
4 2 commissioner based on the consumer price index. The seller
4 3 shall review the amount of the surety bond no less than
4 4 annually and shall increase the bond as necessary to reflect
4 5 additional payments. The amount needed to adjust for inflation
4 6 shall be added annually to the surety bond during the first
4 7 quarter of the seller's fiscal year.

4 8 Sec. 6. Section 523A.601, subsection 2, paragraph a, Code
4 9 2009, is amended to read as follows:

4 10 a. State ~~the percentage of money to~~ that all payments made
4 11 under the purchase agreement will be placed in trust.

4 12 Sec. 7. Section 523A.601, subsection 6, paragraph a, Code
4 13 2009, is amended to read as follows:

4 14 a. A purchase agreement that is funded by a trust shall
4 15 include a conspicuous statement in language substantially
4 16 similar to the following language:

4 17 "For your prearranged funeral agreement, we will deposit
4 18 ~~not less than eighty percent~~ all of your payments in trust at
4 19 (name of financial institution), (street address), (city),
4 20 (state) (zip code) within fifteen days following receipt of
4 21 the funds. For your protection, you will ~~be notified~~ receive
4 22 notification within sixty days from the date of deposit from
4 23 the financial institution, if acting as a trustee of trust
4 24 funds under this chapter, to confirm that the deposit of these
4 25 funds has been made establishing a trust fund as required by
4 26 law. If you do not receive this notification, you may contact
4 27 the Iowa insurance division for assistance by calling the
4 28 insurance division at (telephone number) or by mail at (street
4 29 address), (city), Iowa (zip code), or you may contact the
4 30 financial institution by calling the financial institution at
4 31 (telephone number) or by mail at the address indicated above."

4 32 EXPLANATION

4 33 This bill relates to licensing requirements for funeral
4 34 directors and to certain trust requirements for payments to
4 35 purchase cemetery and funeral merchandise and funeral services.



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5 1 New Code section 272C.2B codifies a requirement currently
5 2 contained in administrative rules that a funeral director must
5 3 fulfill a minimum of 24 hours of continuing education in the
5 4 two years immediately prior to that person's license renewal.
5 5 The provision also provides that the requirement is deemed
5 6 fulfilled for a funeral director during periods of active duty
5 7 military service, while the funeral director is a government
5 8 employee working in the person's specialty and assigned to duty
5 9 outside the United States, and for other periods of active
5 10 practice and absence from the state approved by the board of
5 11 mortuary science.

5 12 Code section 523A.201 is amended to require that if cemetery
5 13 merchandise, funeral merchandise, funeral services, or a
5 14 combination thereof is sold pursuant to a purchase agreement
5 15 entered into on or after July 1, 2010, for performance or
5 16 delivery more than 120 days following initial payment, all
5 17 payments made by the buyer pursuant to that purchase agreement
5 18 must be placed in trust. Currently, only 80 percent of such
5 19 payments must be deposited in trust. For purchase agreements
5 20 entered into prior to July 1, 2010, where the seller deposited
5 21 less than 100 percent of the payments made under the purchase
5 22 agreement, the seller is still required to have a fidelity
5 23 bond or similar insurance of not less than \$50,000, or more as
5 24 determined necessary by the commissioner of insurance.

5 25 Code section 523A.201 is also amended to delete a provision
5 26 that allows certain described limited liability corporations to
5 27 remove interest or income earned on amounts deposited in trust.

5 28 Code section 523A.202 is amended to provide that funds held
5 29 in trust pursuant to purchase agreements must be deposited in a
5 30 financial institution located in the state.

5 31 Code section 523A.207 is amended to require that if a
5 32 preneed seller buys purchase agreements as part of the sale of
5 33 a business or the assets of a business and fails to file an
5 34 audit by a certified public accountant regarding the adequacy
5 35 of funding of those purchase agreements, the licenses of



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6 1 that preneed seller and sales agents of that preneed seller
6 2 are suspended until the audit is filed. In addition, the
6 3 commissioner of insurance is required to assess a penalty
6 4 against that buyer of up to \$100 for each day that the audit
6 5 remains unfiled.
6 6 Code section 523A.405 is amended to require that a surety
6 7 bond filed in lieu of meeting trust requirements for payments
6 8 made pursuant to a purchase agreement must also equal all,
6 9 instead of 80 percent, of the amount of the payments made.
6 10 Code section 523A.601 is amended to coordinate with the
6 11 other provisions of the bill requiring that all payments made
6 12 under a purchase agreement must be placed in trust.

LSB 5226XC (12) 83

av/sc



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Senate Study Bill 3081

SENATE FILE
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY CHAIRPERSON
RIELLY)

A BILL FOR

1 An Act relating to claims for warranty parts, repairs, or
2 service performed by motor vehicle dealers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5702XC (2) 83
dea/rj



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1 1 Section 1. Section 322.3, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 15. A manufacturer, distributor, or
1 4 importer of motor vehicles or an agent or representative of a
1 5 manufacturer, distributor, or importer shall not reduce the
1 6 amount of compensation for, or disallow a claim for, warranty
1 7 parts, repairs, or service supplied by a motor vehicle dealer
1 8 on the grounds that the dealer failed to submit a claim fewer
1 9 than sixty days after the motor vehicle dealer completed the
1 10 work underlying the claim for warranty parts, repairs, or
1 11 service.

1 12 EXPLANATION

1 13 This bill prohibits a motor vehicle manufacturer,
1 14 distributor, or importer from reducing the amount of
1 15 compensation for, or disallowing a claim for, warranty parts,
1 16 repairs, or service performed by a motor vehicle dealer on the
1 17 grounds that the claim was not filed fewer than 60 days after
1 18 the work underlying the claim was completed.

LSB 5702XC (2) 83

dea/rj



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Senate Study Bill 3082

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

A BILL FOR

1 An Act relating to the military division of the department of
2 public defense concerning state military service and the
3 Iowa code of military justice.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5062DP (4) 83
ec/nh



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1 1 Section 1. Section 29A.8A, Code 2009, is amended to read as
1 2 follows:

1 3 29A.8A State military service.

1 4 1. If federal funding and authorization exist for this
1 5 purpose, the governor may order to state military service the
1 6 military forces of the Iowa army national guard or Iowa air
1 7 national guard as the governor may deem appropriate for the
1 8 purposes of homeland security, homeland defense, or other duty.

1 9 2. A state employee shall take either a full day's leave in
1 10 accordance with section 29A.28 or eight hours of compensatory
1 11 time on a day in which the state employee receives a full day's
1 12 pay from federal funds for ~~national guard duty~~ state military
1 13 service.

1 14 3. When performing state military service, the adjutant
1 15 general, a deputy adjutant general, or the state quartermaster
1 16 shall not be considered a state employee, except for purposes
1 17 of the Iowa public employees' retirement system, state health
1 18 and dental plans, and other state employee benefits plans.

1 19 Sec. 2. Section 29B.37, Code 2009, is amended to read as
1 20 follows:

1 21 29B.37 Adjutant general may prescribe rules.

1 22 The procedures, including modes of proof, in cases before
1 23 military courts and other military tribunals shall be
1 24 prescribed by the adjutant general by rule, but shall not be
1 25 contrary to or inconsistent with this code. ~~This code shall be~~
~~1 26 construed as to effectuate the general purpose of uniformity~~
~~1 27 so far as practical with the uniform code of military justice,~~
~~1 28 10 U.S.C. ch.47.~~ All courts and other proceedings shall
1 29 be conducted under the procedural rules established under 10
1 30 U.S.C. ch.47 unless otherwise provided in this code.

1 31 Sec. 3. Section 29B.47, subsection 3, Code 2009, is amended
1 32 to read as follows:

1 33 3. Process issued in court-martial cases to compel
1 34 witnesses to appear and testify and to compel the production
1 35 of other evidence shall run to any part of the ~~state~~ United



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2 1 States and shall be executed by civil officers as prescribed by
2 2 laws of the ~~state~~ United States or the place where the witness
2 3 or evidence is located.

2 4 Sec. 4. NEW SECTION. 29B.107A Wrongful use or possession
2 5 of controlled substances.

2 6 1. Any person subject to this code who wrongfully uses,
2 7 possesses, manufactures, distributes, or introduces into an
2 8 installation, vessel, vehicle, or aircraft used by or under
2 9 the control of the armed forces of the United States or of the
2 10 state military forces, a controlled substance shall be punished
2 11 as a court-martial may direct.

2 12 2. For purposes of this section, "controlled substance"
2 13 includes but is not limited to any of the following:

2 14 a. Opium, heroin, cocaine, amphetamine, lysergic acid
2 15 diethylamide, methamphetamine, phencyclidine, barbituric
2 16 acid, and marijuana and any compound or derivative of any such
2 17 substance.

2 18 b. Any substance listed on a schedule of controlled
2 19 substances prescribed by the president of the United States for
2 20 the purposes of the uniform code of military justice, 10 U.S.C.
2 21 ch.47.

2 22 c. Any substance listed in schedules I through V of section
2 23 202 of the federal Controlled Substances Act, 21 U.S.C.{812.

2 24 Sec. 5. NEW SECTION. 29B.130 Uniformity of interpretation.
2 25 This code shall be construed as to effectuate the general
2 26 purpose of uniformity, so far as practical, with the uniform
2 27 code of military justice, 10 U.S.C. ch.47.

2 28 EXPLANATION

2 29 This bill relates to the military division of the department
2 30 of public defense concerning state military service and the
2 31 Iowa code of military justice.

2 32 Code section 29A.8A, concerning state military service, is
2 33 amended to provide that the adjutant general, a deputy adjutant
2 34 general, and the state quartermaster shall not be considered
2 35 state employees while performing state military service except



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3 1 for purposes of the Iowa public employees' retirement system
3 2 and state employee health, dental, and other benefit plans.
3 3 Code section 29B.47, concerning process issued under the
3 4 Iowa code of military justice, is amended to provide that
3 5 process may run to other states, as well as the United States
3 6 and its territories and possessions in accordance with the law
3 7 of the place where the witness or evidence sought is located.
3 8 New Code section 29B.107A adds an additional punitive
3 9 article to the Iowa code of military justice relating to
3 10 wrongful use, possession, distribution, or manufacture of
3 11 certain controlled substances. The bill defines controlled
3 12 substances to include opium, heroin, cocaine, amphetamine,
3 13 lysergic acid diethylamide, methamphetamine, phencyclidine,
3 14 barbituric acid, and marijuana and any compounds or
3 15 derivatives, substances specified by the president as
3 16 controlled substances for purposes of the uniform code of
3 17 military justice, and substances listed in schedules I through
3 18 V of section 202 of the federal Controlled Substances Act.
3 19 The bill also moves language concerning interpreting the
3 20 Iowa code of military justice consistently with the federal
3 21 uniform code of military justice from Code section 29B.37 to
3 22 new Code section 29B.130.

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