



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 19, 2010

House File 2063 - Introduced

HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act providing for and making an appropriation to the
2 department on aging for statewide expansion of the elder
3 abuse initiative program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5316HH (1) 83
rh/jp



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House File 2063 - Introduced continued

PAG LIN

1 1 Section 1. APPROPRIATION == DEPARTMENT ON AGING == ELDER
 1 2 ABUSE INITIATIVE PROGRAM. There is appropriated from the
 1 3 general fund of the state to the department on aging for the
 1 4 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 1 5 the following amount, or so much thereof as is necessary, to be
 1 6 used for the purpose designated:

1 7 For the purpose of statewide expansion of the elder abuse
 1 8 initiative program established pursuant to section 231.56A
 1 9 for the prevention, intervention, detection, and reporting of
 1 10 elder abuse, neglect, and exploitation to ensure the protection
 1 11 of older individuals in the state who are 60 years of age or
 1 12 older:
 1 13 \$ 1,400,000

EXPLANATION

1 15 This bill appropriates \$1.4 million from the general fund
 1 16 of the state to the department on aging for the fiscal year
 1 17 beginning July 1, 2010, and ending June 30, 2011, for statewide
 1 18 expansion of the elder abuse initiative program established
 1 19 pursuant to Code section 231.56A for the prevention,
 1 20 intervention, detection, and reporting of elder abuse, neglect,
 1 21 and exploitation of older individuals in the state who are 60
 1 22 years of age or older.

LSB 5316HH (1) 83
 rh/jp



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House File 2064 - Introduced

HOUSE FILE
BY GAYMAN

A BILL FOR

1 An Act relating to continuation of and reenrollment in
2 dental coverage for certain adult children and including
3 applicability and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5074HH (13) 83
av/rj



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House File 2064 - Introduced continued

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1 1 Section 1. Section 422.7, subsection 29A, Code Supplement
1 2 2009, is amended to read as follows:

1 3 29A. If the health benefits coverage or insurance,
1 4 including dental benefits coverage or insurance, of the
1 5 taxpayer includes coverage of a nonqualified tax dependent as
1 6 determined by the federal internal revenue service, subtract,
1 7 to the extent included, the amount of the value of such
1 8 coverage attributable to the nonqualified tax dependent.

1 9 Sec. 2. Section 509.3, subsection 1, paragraph h, Code
1 10 Supplement 2009, is amended to read as follows:

1 11 h. A provision that the insurer will permit continuation of
1 12 existing coverage, including dental coverage or reenrollment
1 13 in previously existing coverage, including dental coverage for
1 14 an individual who meets the requirements of section 513B.2,
1 15 subsection 14, paragraph "a", "b", "c", "d", or "e", and who
1 16 is an unmarried child of an insured or enrollee who so elects,
1 17 at least through the policy anniversary date on or after
1 18 the date the child marries, ceases to be a resident of this
1 19 state, or attains the age of twenty-five years old, whichever
1 20 occurs first, or so long as the unmarried child maintains
1 21 full-time status as a student in an accredited institution of
1 22 postsecondary education.

1 23 Sec. 3. Section 509A.13B, Code Supplement 2009, is amended
1 24 to read as follows:

1 25 509A.13B Coverage of children == continuation or
1 26 reenrollment.

1 27 If a governing body, a county board of supervisors, or a
1 28 city council has procured accident or health care coverage
1 29 including dental coverage for its employees under this chapter,
1 30 such coverage shall permit continuation of existing coverage,
1 31 including dental coverage or reenrollment in previously
1 32 existing coverage, including dental coverage, for an individual
1 33 who meets the requirements of section 513B.2, subsection 14,
1 34 paragraph "a", "b", "c", "d", or "e", and who is an unmarried
1 35 child of an insured or enrollee who so elects, at least through



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2 1 the policy anniversary date on or after the date the child
2 2 marries, ceases to be a resident of this state, or attains
2 3 the age of twenty-five years old, whichever occurs first, or
2 4 so long as the unmarried child maintains full-time status
2 5 as a student in an accredited institution of postsecondary
2 6 education.
2 7 Sec. 4. Section 514A.3B, subsection 2, Code Supplement
2 8 2009, is amended to read as follows:
2 9 2. An insurer issuing an individual policy or contract of
2 10 accident and health insurance, including dental insurance which
2 11 provides coverage, including dental coverage, for children of
2 12 the insured shall permit continuation of existing coverage,
2 13 including dental coverage, or reenrollment in previously
2 14 existing coverage, including dental coverage, for an individual
2 15 who meets the requirements of section 513B.2, subsection 14,
2 16 paragraph "a", "b", "c", "d", or "e", and who is an unmarried
2 17 child of an insured or enrollee who so elects, at least through
2 18 the policy anniversary date on or after the date the child
2 19 marries, ceases to be a resident of this state, or attains
2 20 the age of twenty-five years old, whichever occurs first, or
2 21 so long as the unmarried child maintains full-time status
2 22 as a student in an accredited institution of postsecondary
2 23 education.
2 24 Sec. 5. Section 514B.9A, Code Supplement 2009, is amended
2 25 to read as follows:
2 26 514B.9A Coverage of children == continuation or reenrollment.
2 27 A health maintenance organization which provides health care
2 28 coverage, including dental coverage, pursuant to an individual
2 29 or group health maintenance organization contract regulated
2 30 under this chapter for children of an enrollee shall permit
2 31 continuation of existing coverage, including dental coverage or
2 32 reenrollment in previously existing coverage, including dental
2 33 coverage, for an individual who meets the requirements of
2 34 section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or
2 35 "e", and who is an unmarried child of an enrollee who so elects,



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3 1 at least through the policy anniversary date on or after
3 2 the date the child marries, ceases to be a resident of this
3 3 state, or attains the age of twenty-five years old, whichever
3 4 occurs first, or so long as the unmarried child maintains
3 5 full-time status as a student in an accredited institution of
3 6 postsecondary education.

3 7 Sec. 6. APPLICABILITY. The sections of this Act amending
3 8 section 509.3, subsection 1, paragraph "h", 509A.13B, 514A.3B,
3 9 subsection 2, and 514B.9A, apply to policies, contracts, or
3 10 plans of accident and health insurance, including dental
3 11 insurance, delivered, issued for delivery, continued, or
3 12 renewed in this state on or after July 1, 2010.

3 13 Sec. 7. RETROACTIVE APPLICABILITY DATE. The section of
3 14 this Act amending section 422.7, subsection 29A, applies
3 15 retroactively to January 1, 2010, for tax years beginning on
3 16 or after that date.

3 17 EXPLANATION

3 18 This bill relates to the continuation of or reenrollment in
3 19 dental benefits insurance coverage for certain adult children
3 20 in previously existing dental coverage of their parents.

3 21 Code section 422.7(29A) is amended to provide that if the
3 22 dental benefits coverage or insurance of an Iowa taxpayer
3 23 includes coverage of a nonqualified tax dependent as determined
3 24 by the federal internal revenue service, the amount of the
3 25 value of that coverage is not subject to state income tax.
3 26 This amendment applies retroactively to January 1, 2010.

3 27 Code section 509.3(1)(h) relating to group health insurance,
3 28 Code section 509A.13B, relating to group health insurance
3 29 for public employees, Code section 514A.3B(2), relating to
3 30 individual policies of health insurance, and Code section
3 31 514B.9A relating to coverage provided by health maintenance
3 32 organizations, are amended to require that adult children who
3 33 are unmarried, residents of this state, and up to 25 years of
3 34 age, or who are full-time students be allowed to continue to
3 35 be enrolled or to reenroll in previously existing dependent



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4 1 dental benefits coverage of their parents. These provisions
4 2 are applicable to policies, contracts, or plans of accident and
4 3 health insurance, including dental insurance, delivered, issued
4 4 for delivery, continued, or renewed in this state on or after
4 5 July 1, 2010.
LSB 5074HH (13) 83
av/rj



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House File 2065 - Introduced

HOUSE FILE
BY SMITH

A BILL FOR

1 An Act relating to reimbursement for supported community
2 living under the medical assistance home and community= based
3 services waiver for intellectual disabilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5777YH (3) 83
pf/nh



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House File 2065 - Introduced continued

PAG LIN

1 1 Section 1. SUPPORTED COMMUNITY LIVING == REIMBURSEMENT OF
1 2 ADMINISTRATIVE COSTS. The department of human services shall
1 3 adopt rules to provide that administrative costs shall not
1 4 exceed eighteen percent of total program costs for supported
1 5 community living programs under the medical assistance home and
1 6 community-based services waiver for intellectual disabilities.
1 7 Administrative costs are comprised of those costs incurred in
1 8 the general management and administrative functions of the
1 9 program.

1 10 EXPLANATION

1 11 This bill directs the department of human services to
1 12 adopt rules to provide that administrative costs shall
1 13 not exceed 18 percent of total program costs for supported
1 14 community living programs under the medical assistance
1 15 home and community-based services waiver for intellectual
1 16 disabilities. Administrative costs are costs incurred in the
1 17 general management and administrative functions of the program.
1 18 Currently, administrative costs for these programs are capped
1 19 at 20 percent of direct costs.

LSB 5777YH (3) 83

pf/nh



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House File 2066 - Introduced

HOUSE FILE
BY KAUFMANN, RAECKER, and
HUSER

A BILL FOR

1 An Act relating to information required to be included in
2 campaign finance reports filed by political committees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5274YH (6) 83
jr/sc



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House File 2066 - Introduced continued

PAG LIN

1 1 Section 1. Section 68A.402A, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 1A. The total amount of contributions made
1 4 to the committee in a calendar year that are not required to
1 5 be reported under section 1, paragraph "b", shall not exceed
1 6 two hundred fifty thousand dollars. If contributions exceed
1 7 the two hundred fifty thousand dollar limit in a calendar year,
1 8 the committee shall include the name and mailing address of
1 9 all persons who have made one or more contributions of money
1 10 to the committee, notwithstanding the provisions of section 1,
1 11 paragraph "b".

1 12 Sec. 2. Section 68A.402A, subsection 2, Code 2009, is
1 13 amended to read as follows:

1 14 2. If a report is the first report filed by a committee, the
1 15 report shall include all information required under subsection
1 16 1, and under subsection 1A if applicable, covering the period
1 17 from the beginning of the committee's financial activity,
1 18 even if from a different calendar year, through the end of
1 19 the current reporting period. If no contributions have been
1 20 accepted, no disbursements have been made, and no indebtedness
1 21 has been incurred during that reporting period, the treasurer
1 22 of the committee shall file a disclosure statement that
1 23 discloses only the amount of cash on hand at the beginning of
1 24 the reporting period.

1 25 EXPLANATION

1 26 Code section 68A.402A specifies that campaign disclosure
1 27 reports set out the name and mailing address of each
1 28 contributor whose contributions exceed a specific amount in the
1 29 aggregate in a calendar year. That amount differs for each
1 30 type of election.

1 31 This bill provides that political action committees (PACs)
1 32 cannot report more than \$250,000 in contributions in a calendar
1 33 year without including the name and mailing address of all
1 34 donors.

LSB 5274YH (6) 83

jr/sc



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House File 2067 - Introduced

HOUSE FILE

BY KAUFMANN, L. MILLER,
and HELLAND

A BILL FOR

1 An Act providing a sales tax exemption from the sale of
2 occupant consumables to be used in transient lodging.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5011YH (9) 83
ak/rj



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House File 2067 - 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. 96. The sales price from the sale of
1 4 occupant consumables to the owner or operator of lodging
1 5 facilities to be used in providing lodging, the renting of
1 6 which is subject to the state excise tax under chapter 423A.
1 7 For the purposes of this subsection, the department of revenue
1 8 shall determine by rule the definition of occupant consumables.

1 9 EXPLANATION
1 10 This bill provides an exemption from the state sales tax
1 11 on certain occupant consumables items sold to the owner or
1 12 operator of lodging facilities that are to be used in transient
1 13 lodging, such as hotels and motels, that is subject to the
1 14 state excise tax in Code chapter 423A. The bill requires the
1 15 department of revenue by administrative rule to define occupant
1 16 consumables.

LSB 5011YH (9) 83
ak/rj



Iowa General Assembly
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House File 2068 - Introduced

HOUSE FILE
BY GASKILL

A BILL FOR

1 An Act granting veterans a paid holiday for veterans day and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5819YH (1) 83
ec/nh



Iowa General Assembly
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House File 2068 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 91A.5A Paid holiday == Veterans
1 2 Day.
1 3 An employer shall provide each employee who is a veteran, as
1 4 defined in section 35.1, with a paid holiday, or an equivalent
1 5 of eight hours compensation or compensatory time off with pay,
1 6 for Veterans Day, November 11, if the employee would otherwise
1 7 be required to work on that day.

1 8 EXPLANATION

1 9 This bill requires each employer in this state to provide
1 10 each employee who is a veteran with a paid holiday, or
1 11 comparable pay or time off, for Veterans Day, November 11, if
1 12 the employee would otherwise be required to work on that day.
1 13 Any employer who violates the provisions of this new provision
1 14 shall be subject to a civil penalty of not more than \$500 for
1 15 each violation pursuant to Code section 91A.12.

LSB 5819YH (1) 83

ec/nh



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House File 2069 - Introduced

HOUSE FILE
BY HAGENOW

A BILL FOR

1 An Act authorizing persons who are relatives, friends, or
2 neighbors to provide child care as unregistered child care
3 home providers under certain circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5502YH (2) 83
jp/nh



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House File 2069 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.1, subsection 6, Code 2009, is
 1 2 amended to read as follows:
 1 3 6. "Child care home" means a person or program providing
 1 4 child care ~~to five or fewer children at any one time~~ that is
 1 5 not registered to provide child care under this chapter, as
 1 6 authorized under section 237A.3.
 1 7 Sec. 2. Section 237A.3, subsection 1, Code 2009, is amended
 1 8 to read as follows:
 1 9 1. a. A person or program providing child care to five
 1 10 children or fewer at any one time is a child care home provider
 1 11 and is not required to register under section 237A.3A as a
 1 12 child development home.
 1 13 b. In addition to a person or program described in paragraph
 1 14 "a", a child care home provider also includes a person providing
 1 15 child care to only related children, a person providing before
 1 16 or after school child care without charge to only children of
 1 17 friends or neighbors, and a person providing child care to only
 1 18 children from an unrelated family.
 1 19 c. However, the A person or program described in this
 1 20 subsection may register as a child development home.

EXPLANATION

1 21 This bill amends Code section 237A.3, relating to child
 1 22 care homes, to authorize a person providing child care to only
 1 23 related children, a person providing before or after school
 1 24 child care without charge to only children of friends or
 1 25 neighbors, or a person providing child care to only children
 1 26 from an unrelated family to provide the child care as a
 1 27 child care home provider. Under current law, child care home
 1 28 providers are limited to persons who provide child care to
 1 29 five children or fewer at any one time and are not required to
 1 30 register with the department of human services.

1 31 The bill also amends the term "child care home" in Code
 1 32 section 237A.1 to eliminate language referring to the
 1 33 restriction on the number of children.

LSB 5502YH (2) 83

jp/nh



Iowa General Assembly
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House File 2070 - Introduced

HOUSE FILE
BY MAY

A BILL FOR

1 An Act requiring the development and administration of a
2 statewide comprehensive exit examination as a condition of
3 high school graduation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5460YH (7) 83
kh/sc



Iowa General Assembly
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House File 2070 - 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 to
1 5 administer, beginning not later than the 2015=2016 school year,
1 6 a statewide comprehensive exit examination, developed by the
1 7 director pursuant to section 256.9, subsection 59, to students
1 8 as a condition of graduation. The rules shall provide for
1 9 alternative pathways to graduation and for a timeline for the
1 10 administration of the exit examinations by school districts and
1 11 accredited nonpublic schools, and shall direct school districts
1 12 and schools to allow a student to take the exit examination
1 13 if the student or the student's parent or guardian submits a
1 14 written request to the school district or school.
1 15 Sec. 2. Section 256.9, Code Supplement 2009, is amended by
1 16 adding the following new subsection:
1 17 NEW SUBSECTION. 59. a. Develop a statewide comprehensive
1 18 exit examination aligned with the core curriculum and the
1 19 core content standards adopted pursuant to section 256.7,
1 20 subsections 26 and 28, alternative pathways to graduation,
1 21 and alternative assessment measures for students with special
1 22 needs, including but not limited to students with disabilities,
1 23 English language learners, and general education students
1 24 who can otherwise demonstrate mastery of high school level
1 25 curriculum and knowledge using an alternative assessment
1 26 measure.
1 27 b. (1) In developing a statewide comprehensive examination,
1 28 alternative pathways to graduation, and alternative assessment
1 29 measures, the director shall convene a task force to identify
1 30 best practices for the adoption of a statewide comprehensive
1 31 exit examination and determine the levels of support necessary
1 32 to prepare teachers and students for the assessments and
1 33 examination. The task force shall review the statewide
1 34 comprehensive exit examination requirements of other states and
1 35 the advantages and disadvantages other states have realized



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House File 2070 - Introduced continued

2 1 in developing, implementing, and administering statewide
2 2 comprehensive exit examinations, alternative graduation
2 3 pathways, and alternative assessments, including but not
2 4 limited to the costs of preparing teachers and students for
2 5 the examinations. The task force shall also identify the
2 6 purposes and goals other states have established in regard to
2 7 the comprehensive exit examinations. The task force shall
2 8 be comprised of kindergarten through grade sixteen education
2 9 stakeholders. The task force shall submit its findings and
2 10 recommendations in a report to the state board of education,
2 11 the governor, and the general assembly on or before January 17,
2 12 2011.

2 13 (2) This paragraph "b" is repealed on July 1, 2011.

2 14 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
2 15 with section 25B.2, subsection 3, the state cost of requiring
2 16 compliance with any state mandate included in this Act shall
2 17 be paid by a school district from state school foundation aid
2 18 received by the school district under section 257.16. This
2 19 specification of the payment of the state cost shall be deemed
2 20 to meet all of the state funding-related requirements of
2 21 section 25B.2, subsection 3, and no additional state funding
2 22 shall be necessary for the full implementation of this Act
2 23 by and enforcement of this Act against all affected school
2 24 districts.

2 25 EXPLANATION

2 26 This bill directs the state board of education to adopt rules
2 27 by July 1, 2011, to require school districts and accredited
2 28 nonpublic schools to administer a statewide comprehensive exit
2 29 examination to students as a condition of graduation. The
2 30 rules shall provide for alternative pathways to graduation and
2 31 for a timeline for the administration of the exit examinations
2 32 by school districts and accredited nonpublic schools, and shall
2 33 direct school districts and schools to permit students to take
2 34 the exit examination if the student, a parent, or guardian
2 35 submits a written request.



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House File 2070 - Introduced continued

3 1 The director of the department of education is required
3 2 to develop, in consultation with a task force comprised
3 3 of kindergarten through grade 16 education stakeholders, a
3 4 statewide comprehensive exit examination aligned with the
3 5 Iowa core curriculum and the state's core content standards,
3 6 alternative pathways to graduation, and alternative assessment
3 7 measures. The task force must submit its findings and
3 8 recommendations to the state board, the governor, and the
3 9 general assembly on or before January 17, 2011.
3 10 The bill may include a state mandate as defined in Code
3 11 section 25B.3. The bill requires that the state cost of
3 12 any state mandate included in the bill be paid by a school
3 13 district from state school foundation aid received by the
3 14 school district under Code section 257.16. The specification
3 15 is deemed to constitute state compliance with any state mandate
3 16 funding-related requirements of Code section 25B.2. The
3 17 inclusion of this specification is intended to reinstate the
3 18 requirement of political subdivisions to comply with any state
3 19 mandates included in the bill.

LSB 5460YH (7) 83

kh/sc



Iowa General Assembly
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January 19, 2010

House File 2071 - Introduced

HOUSE FILE
BY ABDUL-SAMAD

A BILL FOR

1 An Act relating to policies granting resident status for
2 purposes of paying postsecondary tuition and fees at public
3 institutions of higher education.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5424YH (3) 83
kh/rj



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House File 2071 - Introduced continued

PAG LIN

1 1 Section 1. Short title. This Act shall be known as the
1 2 "Iowa Opportunities Workforce Act".
1 3 Sec. 2. Section 260C.14, Code Supplement 2009, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 23. Adopt a policy, to take effect
1 6 not later than January 1, 2011, relating to an additional
1 7 classification of students for purposes of determining tuition
1 8 and fees that provides equal opportunity for granting resident
1 9 status to individuals who meet all of the following conditions:
1 10 a. Attended an accredited school in this state for at least
1 11 five years as of the date the individual graduated from an
1 12 accredited high school or received a high school equivalency
1 13 diploma in this state.
1 14 b. Is accepted for enrollment in a community college in this
1 15 state.
1 16 c. Was not required to pay tuition to attend a public high
1 17 school in this state.
1 18 d. Signs an affidavit, if the individual does not have a
1 19 social security number, stating that the individual will pursue
1 20 citizenship in the United States at the earliest possible time
1 21 the individual is able to do so.
1 22 Sec. 3. Section 262.9, Code Supplement 2009, is amended by
1 23 adding the following new subsection:
1 24 NEW SUBSECTION. 36. Adopt a policy, to take effect
1 25 not later than January 1, 2011, relating to an additional
1 26 classification of students for purposes of determining tuition
1 27 and fees that provides equal opportunity for granting resident
1 28 status to individuals who meet all of the following conditions:
1 29 a. Attended an accredited school in this state for at least
1 30 five years as of the date the individual graduated from an
1 31 accredited high school or received a high school equivalency
1 32 diploma in this state.
1 33 b. Is accepted for enrollment in a university under the
1 34 control of the board in this state.
1 35 c. Was not required to pay tuition to attend a public high



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2 1 school in this state.

2 2 d. Signs an affidavit, if the individual does not have a
2 3 social security number, stating that the individual will pursue
2 4 citizenship in the United States at the earliest possible time
2 5 the individual is able to do so.

2 6 EXPLANATION

2 7 This bill directs the board of directors of a community
2 8 college and the state board of regents to adopt policies,
2 9 to take effect not later than January 1, 2011, relating to
2 10 an additional classification of students for purposes of
2 11 determining tuition and fees that provide equal opportunity
2 12 for granting resident status to certain individuals. The bill
2 13 includes a short title so that it will be known and may be cited
2 14 to as the "Iowa Opportunities Workforce Act".

2 15 To meet the requirements of the policy, an individual
2 16 must have attended an accredited school in this state for
2 17 at least five years or received a high school equivalency
2 18 diploma in this state, be accepted for enrollment in a public
2 19 postsecondary institution in this state, must not have been
2 20 required to pay tuition to attend a public high school in this
2 21 state, and must sign an affidavit, if the individual does not
2 22 have a social security number, stating that the individual
2 23 will pursue U.S. citizenship at the earliest possible time the
2 24 individual is able to do so.

LSB 5424YH (3) 83

kh/rj



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House File 2072 - Introduced

HOUSE FILE
BY MAY

A BILL FOR

1 An Act providing for the increased use of physical plant and
2 equipment levy funds by school districts and including
3 repeal and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5695HH (3) 83
ak/sc



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House File 2072 - Introduced continued

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1 1 Section 1. Section 298.3, subsection 1, paragraph c, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 c. (1) The purchase, lease, or lease=purchase of a single
1 4 unit of equipment or technology exceeding five hundred dollars
1 5 in value per unit.

1 6 (2) The purchase of computer software for classroom use.

1 7 This subparagraph is repealed effective July 1, 2013.

1 8 Sec. 2. Section 298.3, subsection 1, paragraph i, Code
1 9 Supplement 2009, is amended to read as follows:

1 10 i. (1) Purchase of transportation equipment for
1 11 transporting students.

1 12 (2) Purchase of fuel for transportation equipment for
1 13 transporting students. This subparagraph is repealed effective
1 14 July 1, 2013.

1 15 Sec. 3. Section 298.3, subsection 1, Code Supplement 2009,
1 16 is amended by adding the following new paragraph:

1 17 NEW PARAGRAPH. n. The cost of the repair of any equipment
1 18 purchased by the school district with funds from this section.
1 19 This paragraph is repealed effective July 1, 2013.

1 20 EXPLANATION

1 21 This bill provides for the increased use of physical plant
1 22 and equipment levy (PPEL) funds by school districts. The funds
1 23 may be used to pay for the purchase of classroom computer
1 24 software, the purchase of fuel for student transportation
1 25 equipment, and for the cost of repairs to any equipment
1 26 purchased by a school district with PPEL funds. The provisions
1 27 apply to the fiscal period beginning July 1, 2010, and ending
1 28 June 30, 2013, and are repealed effective July 1, 2013.

LSB 5695HH (3) 83

ak/sc



Iowa General Assembly
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House File 2073 - Introduced

HOUSE FILE
BY WENDT and WHITEAD

(COMPANION TO sf 2023)

A BILL FOR

1 An Act relating to prohibited activities of certain public
2 employees and officials in connection with urban renewal
3 projects.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5591HH (1) 83
md/nh



Iowa General Assembly
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House File 2073 - Introduced continued

PAG LIN

1 1 Section 1. Section 403.16, unnumbered paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 No public official or employee of a municipality, or board
1 4 or commission thereof, who has been vested by a municipality
1 5 with urban renewal project powers under section 403.14, and
1 6 no commissioner or employee of an urban renewal agency, which
1 7 has been vested by a municipality with urban renewal project
1 8 powers under section 403.14, shall voluntarily acquire any
1 9 personal interest, as hereinafter defined, whether direct or
1 10 indirect, in any urban renewal project, or in any property
1 11 included or planned to be included in any urban renewal project
1 12 of such municipality, or in any contract or proposed contract
1 13 in connection with such urban renewal project. Where such
1 14 acquisition is not voluntary, the interest acquired shall
1 15 be immediately disclosed in writing to the local governing
1 16 body, and such disclosure shall be entered upon the minutes
1 17 of the governing body. If any such official, commissioner or
1 18 employee presently owns or controls, or has owned or controlled
1 19 within the preceding two years, any interest, as hereinafter
1 20 defined, whether direct or indirect, in any property which
1 21 the official, commissioner or employee knows is included
1 22 or planned to be included in an urban renewal project, the
1 23 official, commissioner or employee shall immediately disclose
1 24 this fact in writing to the local governing body, and such
1 25 disclosure shall be entered upon the minutes of the governing
1 26 body; and any such official, commissioner or employee shall
1 27 not participate in any action by the municipality, or board
1 28 or commission thereof, or urban renewal agency affecting such
1 29 property, as the terms of such proscription are hereinafter
1 30 defined. For the purposes of this section the following
1 31 definitions and standards of construction shall apply:

1 32 EXPLANATION

1 33 Current Code section 403.16 provides that no public official
1 34 or employee of a municipality, or board or commission of a
1 35 municipality, and no commissioner or employee of an urban



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House File 2073 - Introduced continued

2 1 renewal agency, which has been vested by a municipality with
2 2 urban renewal project powers, shall voluntarily acquire any
2 3 direct or indirect personal interest in any urban renewal
2 4 project, including any property or contract in connection with
2 5 such urban renewal project. This bill specifies that only
2 6 those public officials and employees of a municipality who have
2 7 been vested by a municipality with urban renewal project powers
2 8 are restricted from acquiring a personal interest in connection
2 9 with an urban renewal project.

LSB 5591HH (1) 83

md/nh



Iowa General Assembly
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House File 2074 - Introduced

HOUSE FILE
BY WINCKLER and LENSING

A BILL FOR

1 An Act relating to the use of wireless telecommunications
2 devices by motor vehicle operators and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5178HH (12) 83
dea/nh



Iowa General Assembly
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House File 2074 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.276 Use of wireless
1 2 telecommunications devices.
1 3 1. As used in this section, unless the context otherwise
1 4 requires:
1 5 a. "Engage in a call" means talking or listening on a
1 6 wireless telecommunications device.
1 7 b. "Hands-free wireless telephone" means a wireless
1 8 telecommunications device that has an internal feature or
1 9 function, or that is equipped with an attachment or addition,
1 10 whether or not permanently part of the telephone, by which a
1 11 user engages in a conversation without the use of either hand,
1 12 provided that this definition does not preclude the use of
1 13 either hand to activate, deactivate, or initiate a function of
1 14 the hands-free wireless telephone.
1 15 c. "Wireless telecommunications device" means a cellular
1 16 telephone, a text-messaging device, a personal digital
1 17 assistant, a stand-alone computer, or any other substantially
1 18 similar wireless device that is readily removable from
1 19 a motor vehicle and is designed to receive and transmit
1 20 voice communication or is capable of being used to write,
1 21 send, or read text or data through manual input. "Wireless
1 22 telecommunications device" does not include a citizens band
1 23 radio, a citizens band radio hybrid, a commercial two-way
1 24 radio communication device, an electronic communication device
1 25 with a push-to-talk function, or a device or component that is
1 26 permanently affixed to a motor vehicle.
1 27 d. "Write, send, or read a text-based communication"
1 28 means using a wireless telecommunications device to manually
1 29 communicate with any person by using a text-based communication
1 30 referred to as a text message, an instant message, or
1 31 electronic mail.
1 32 2. Except as provided in subsection 4, a person shall not
1 33 operate a motor vehicle on a highway while using a wireless
1 34 telecommunications device to engage in a call unless the
1 35 wireless telecommunications device is a hands-free wireless



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House File 2074 - Introduced continued

2 1 telephone.

2 2 3. Except as provided in subsection 4, a person shall not

2 3 operate a motor vehicle on a highway while using a wireless

2 4 telecommunications device to write, send, or read a text-based

2 5 communication. For purposes of this subsection, a person is

2 6 not deemed to be writing, reading, or sending a text-based

2 7 communication if the person reads, selects, or enters a

2 8 telephone number or name in a hands-free wireless telephone for

2 9 the purpose of making a telephone call.

2 10 4. This section does not apply to the following:

2 11 a. A law enforcement officer, a firefighter, or the operator

2 12 of an authorized emergency vehicle while engaged in the

2 13 performance of the person's official duties.

2 14 b. The operator of a motor vehicle using a wireless

2 15 telecommunications device for any of the following purposes:

2 16 (1) To contact a public safety agency to report a motor

2 17 vehicle accident, a medical emergency, illegal activity, or a

2 18 serious road hazard.

2 19 (2) To report a situation in which the person believes the

2 20 person's safety is in jeopardy.

2 21 (3) To prevent injury to a person or property.

2 22 (4) To navigate using a global positioning system.

2 23 c. A physician or other health care provider using a

2 24 wireless telecommunications device to communicate with a

2 25 hospital, health clinic, or the office of the physician or

2 26 health care provider, or to otherwise provide for the health

2 27 care of an individual or respond to a medical emergency.

2 28 d. The operator of a motor vehicle using a wireless

2 29 telecommunications device when the motor vehicle is lawfully

2 30 parked.

2 31 5. a. A peace officer shall not stop a motor vehicle solely

2 32 for the purpose of enforcing this section. A peace officer

2 33 who detains a motor vehicle operator for an alleged violation

2 34 of another section of this chapter may issue a citation to

2 35 the motor vehicle operator for a violation of this section.



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House File 2074 - Introduced continued

3 1 However, during the period beginning July 1, 2010, and ending
3 2 December 31, 2010, peace officers shall issue only warning
3 3 citations for violations of this section.
3 4 b. A peace officer investigating an accident as provided in
3 5 section 321.266 shall indicate on the accident report form if
3 6 a motor vehicle operator involved in the accident was using a
3 7 wireless telecommunications device at the time of the accident.
3 8 6. A person who is convicted of a violation of this section
3 9 is guilty of a simple misdemeanor punishable as a scheduled
3 10 violation under section 805.8A, subsection 6, paragraph "e".
3 11 Sec. 2. Section 805.8A, subsection 6, Code Supplement 2009,
3 12 is amended by adding the following new paragraph:
3 13 NEW PARAGRAPH. e. For a violation of section 321.276 by a
3 14 motor vehicle operator, the scheduled fine is as follows:
3 15 (1) If the violation is a first offense, the scheduled fine
3 16 is one hundred seventy-five dollars.
3 17 (2) If the violation is a second or subsequent violation of
3 18 the same section, the scheduled fine is five hundred dollars.
3 19 (3) If the operator of the motor vehicle was involved in
3 20 a traffic accident at the time the violation occurred, the
3 21 scheduled fine is double the amount in subparagraph (1) or (2),
3 22 as applicable.
3 23 Sec. 3. ACCIDENT REPORTS == STATISTICAL DATA. The
3 24 department of transportation shall collect and compile
3 25 ongoing statistical information on the number of motor vehicle
3 26 accidents which occur in this state involving the use of a
3 27 wireless telecommunications device to engage in a call or
3 28 write, send, or read a text message.
3 29 EXPLANATION
3 30 This bill addresses the use of a wireless telecommunications
3 31 device by a person operating a motor vehicle.
3 32 The bill prohibits a driver from using a wireless
3 33 telecommunications device to engage in a call unless the device
3 34 is a hands-free wireless telephone. The bill also prohibits a
3 35 person from operating a motor vehicle while using a wireless



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House File 2074 - Introduced continued

4 1 telecommunications device to write, send, or read a text-based
4 2 communication. The act of reading, selecting, or entering a
4 3 telephone number or name in a hands-free wireless telephone for
4 4 the purpose of making a telephone call does not constitute a
4 5 violation.

4 6 The bill defines "wireless communications device" as a
4 7 cellular telephone, text-messaging device, personal digital
4 8 assistant, stand-alone computer, or any other substantially
4 9 similar wireless device that is readily removable from
4 10 the vehicle and is designed to receive and transmit voice
4 11 communication or is capable of being used to write, send,
4 12 or read text or data through manual input. The definition
4 13 excludes a citizens band radio, a citizens band radio hybrid,
4 14 a commercial two-way radio, an electronic device with a
4 15 push-to-talk function, and any device or component that
4 16 is permanently affixed to a motor vehicle. "Write, send,
4 17 or read a text-based communication" means using a wireless
4 18 telecommunications device to manually communicate with any
4 19 person by using a text-based communication referred to as a
4 20 text message, an instant message, or electronic mail.

4 21 "Engage in a call" is defined to mean talking or listening
4 22 on a wireless telecommunications device. "Hands-free wireless
4 23 telephone" means a wireless telecommunications device that
4 24 has an internal feature or function, or that is equipped
4 25 with an attachment or addition, by which a user engages in a
4 26 conversation without the use of either hand. However, the bill
4 27 specifies that the use of either hand to activate, deactivate,
4 28 or initiate a function of the hands-free wireless telephone is
4 29 not a violation of the bill.

4 30 The bill does not apply to law enforcement officers,
4 31 firefighters, and authorized emergency vehicle operators
4 32 engaged in official duties; to a motor vehicle operator using a
4 33 wireless telecommunications device to contact a public safety
4 34 agency to report a motor vehicle accident, a medical emergency,
4 35 illegal activity, a serious road hazard, or a situation in



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House File 2074 - Introduced continued

5 1 which the person believes the person's safety is in jeopardy
5 2 or to prevent injury to a person or property; or to health care
5 3 providers communicating with a hospital, clinic, or the health
5 4 care provider's office. The bill does not apply to the use of
5 5 a global positioning system, and the bill does not apply to a
5 6 driver when the motor vehicle is lawfully parked.

5 7 The bill provides for secondary enforcement of the
5 8 text=messaging ban and the ban on the use of a hand=held
5 9 wireless telephone to engage in a call. A peace officer may
5 10 not stop a motor vehicle solely to enforce either provision,
5 11 but may issue a citation for a violation in conjunction with
5 12 a traffic stop for an alleged violation of another motor
5 13 vehicle law. However, during the six=month period from July
5 14 1, 2010, through December 31, 2010, only warning citations may
5 15 be issued for a violation. The bill requires a peace officer
5 16 investigating a traffic accident to indicate on the accident
5 17 report form if a driver involved in the accident was using a
5 18 wireless telecommunications device at the time of the accident.

5 19 A person who commits a violation of the bill commits a
5 20 simple misdemeanor punishable by a scheduled fine of \$175 for
5 21 a first offense, and \$500 for a second or subsequent offense.
5 22 If the violation occurred in conjunction with a motor vehicle
5 23 accident, the fine is doubled.

5 24 The bill requires the department of transportation to
5 25 collect and compile statistical data relating to motor vehicle
5 26 accidents involving the use of a cellular telephone or other
5 27 wireless telecommunications device.

LSB 5178HH (12) 83

dea/nh



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House File 2075 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 530)

A BILL FOR

1 An Act requiring health benefit coverage for certain cancer
2 treatment delivered pursuant to approved cancer clinical
3 trials and providing an applicability date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5238HV (12) 83

av/nh



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House File 2075 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.26 Approved cancer clinical
1 2 trials coverage.
1 3 1. Definitions. For purposes of this section, unless the
1 4 context otherwise requires:
1 5 a. "Approved cancer clinical trial" means a scientific
1 6 study of a new therapy for the treatment of cancer in human
1 7 beings that meets the requirements set forth in subsection 3
1 8 and consists of a scientific plan of treatment that includes
1 9 specified goals, a rationale and background for the plan,
1 10 criteria for patient selection, specific directions for
1 11 administering therapy and monitoring patients, a definition of
1 12 quantitative measures for determining treatment response, and
1 13 methods for documenting and treating adverse reactions.
1 14 b. "Institutional review board" means a board, committee, or
1 15 other group formally designated by an institution and approved
1 16 by the national institutes of health, office for protection
1 17 from research risks, to review, approve the initiation of,
1 18 and conduct periodic review of biomedical research involving
1 19 human subjects. "Institutional review board" means the same
1 20 as "institutional review committee" as used in section 520(g)
1 21 of the federal Food, Drug, and Cosmetic Act, as codified in 21
1 22 U.S.C. { 301 et seq.
1 23 c. "Routine patient care costs" means medically necessary
1 24 services or treatments that are a benefit under a contract
1 25 or policy providing for third-party payment or prepayment of
1 26 health or medical expenses that would be covered if the patient
1 27 were receiving standard cancer treatment. "Routine patient care
1 28 costs" does not include any of the following:
1 29 (1) Costs of any treatments, procedures, drugs, devices,
1 30 services, or items that are the subject of the approved
1 31 cancer clinical trial or any other investigational treatments,
1 32 procedures, drugs, devices, services, or items.
1 33 (2) Costs of nonhealth care services that the patient
1 34 is required to receive as a result of participation in the
1 35 approved cancer clinical trial.



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House File 2075 - Introduced continued

2 1 (3) Costs associated with managing the research that is
2 2 associated with the approved cancer clinical trial.
2 3 (4) Costs that would not be covered by the third-party
2 4 payment provider if noninvestigational treatments were
2 5 provided.
2 6 (5) Costs of any services, procedures, or tests provided
2 7 solely to satisfy data collection and analysis needs that are
2 8 not used in the direct clinical management of the patient
2 9 participating in an approved cancer clinical trial.
2 10 (6) Costs paid for, or not charged for, by the approved
2 11 cancer clinical trial providers.
2 12 (7) Costs for transportation, lodging, food, or other
2 13 expenses for the patient, a family member, or a companion
2 14 of the patient that are associated with travel to or from a
2 15 facility where an approved cancer clinical trial is conducted.
2 16 (8) Costs for services, items, or drugs that are eligible
2 17 for reimbursement from a source other than a patient's contract
2 18 or policy providing for third-party payment or prepayment
2 19 of health or medical expenses, including the sponsor of the
2 20 approved cancer clinical trial.
2 21 (9) Costs associated with approved cancer clinical
2 22 trials designed exclusively to test toxicity or disease
2 23 pathophysiology.
2 24 d. "Therapeutic intent" means that a treatment is aimed
2 25 at improving a patient's health outcome relative to either
2 26 survival or quality of life.
2 27 2. Coverage required. Notwithstanding the uniformity of
2 28 treatment requirements of section 514C.6, a policy or contract
2 29 providing for third-party payment or prepayment of health or
2 30 medical expenses shall provide coverage benefits for routine
2 31 patient care costs incurred for cancer treatment in an approved
2 32 cancer clinical trial to the same extent that such policy or
2 33 contract provides coverage for treating any other sickness,
2 34 injury, disease, or condition covered under the policy or
2 35 contract, if the insured has been referred for such cancer



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House File 2075 - Introduced continued

3 1 treatment by two physicians who specialize in oncology and
3 2 the cancer treatment is given pursuant to an approved cancer
3 3 clinical trial that meets the criteria set forth in subsection
3 4 3. Services that are furnished without charge to a participant
3 5 in the approved cancer clinical trial are not required to be
3 6 covered as routine patient care costs pursuant to this section.
3 7 3. Criteria. Routine patient care costs for cancer
3 8 treatment given pursuant to an approved cancer clinical
3 9 trial shall be covered pursuant to this section if all of the
3 10 following requirements are met:
3 11 a. The treatment is provided with therapeutic intent and is
3 12 provided pursuant to an approved cancer clinical trial that has
3 13 been authorized or approved by one of the following:
3 14 (1) The national institutes of health.
3 15 (2) The United States food and drug administration.
3 16 (3) The United States department of defense.
3 17 (4) The United States department of veterans affairs.
3 18 b. The proposed treatment has been reviewed and approved by
3 19 the applicable qualified institutional review board.
3 20 c. The available clinical or preclinical data indicate
3 21 that the treatment that will be provided pursuant to the
3 22 approved cancer clinical trial will be at least as effective
3 23 as the standard therapy and is anticipated to constitute an
3 24 improvement in therapeutic effectiveness for the treatment of
3 25 the disease in question.
3 26 4. Notice. As soon as practical after the insured
3 27 provides written consent to participate in an approved cancer
3 28 clinical trial, the physician shall provide notice to the
3 29 third-party payment provider of the insured's intent to
3 30 participate in an approved cancer clinical trial. Failure
3 31 to provide such notice to the third-party payment provider
3 32 shall not be the basis for denying the coverage required under
3 33 subsection 2.
3 34 5. Immunity. A person issuing a third-party payment
3 35 contract or policy shall not be liable for any damages to an



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House File 2075 - Introduced continued

4 1 insured who participates in an approved cancer clinical trial
4 2 arising out of participation in the clinical trial.
4 3 6. Applicability.
4 4 a. This section applies to the following classes of
4 5 third-party payment provider contracts or policies delivered,
4 6 issued for delivery, continued, or renewed in this state on or
4 7 after July 1, 2010:
4 8 (1) Individual or group accident and sickness insurance
4 9 providing coverage on an expense-incurred basis.
4 10 (2) An individual or group hospital or medical service
4 11 contract issued pursuant to chapter 509, 514, or 514A.
4 12 (3) An individual or group health maintenance organization
4 13 contract regulated under chapter 514B.
4 14 (4) Any other entity engaged in the business of insurance,
4 15 risk transfer, or risk retention, which is subject to the
4 16 jurisdiction of the commissioner.
4 17 (5) A plan established pursuant to chapter 509A for public
4 18 employees.
4 19 (6) An organized delivery system licensed by the director
4 20 of public health.
4 21 b. This section shall not apply to accident-only,
4 22 specified disease, short-term hospital or medical, hospital
4 23 confinement indemnity, credit, dental, vision, Medicare
4 24 supplement, long-term care, basic hospital and medical-surgical
4 25 expense coverage as defined by the commissioner, disability
4 26 income insurance coverage, coverage issued as a supplement
4 27 to liability insurance, workers' compensation or similar
4 28 insurance, or automobile medical payment insurance.

4 29 EXPLANATION

4 30 This bill creates new Code section 514C.26 to require health
4 31 benefit coverage for cancer treatment delivered pursuant to an
4 32 approved cancer clinical trial. The bill defines "approved
4 33 cancer clinical trial" as a scientific study of a new therapy
4 34 for the treatment of cancer in human beings that meets
4 35 requirements specified in the bill and consists of a scientific



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House File 2075 - Introduced continued

5 1 plan of treatment.

5 2 The bill requires that a policy or contract provide health
5 3 benefit coverage for routine patient care costs incurred for
5 4 cancer treatment in an approved cancer clinical trial to the
5 5 same extent that the policy or contract provides coverage for
5 6 treating any other sickness, injury, disease, or condition
5 7 covered under the policy or contract, if the insured has been
5 8 referred for such cancer treatment by two physicians who
5 9 specialize in oncology, and the cancer treatment is given
5 10 pursuant to an approved cancer clinical trial as set forth in
5 11 the bill.

5 12 The bill provides that after an insured receives written
5 13 consent to participate in an approved cancer clinical trial,
5 14 the physician shall provide notice to the third-party payment
5 15 provider of the insured's intent to participate in the trial.
5 16 Failure to provide such notice to the third-party payment
5 17 provider cannot be the basis for denying coverage required
5 18 under the bill.

5 19 The bill also provides that a person issuing a third-party
5 20 payment contract or policy is not liable for any damages to any
5 21 insured that arise out of participation in an approved cancer
5 22 clinical trial.

5 23 The bill applies to specified classes of third-party payment
5 24 provider contracts or policies delivered, issued for delivery,
5 25 continued, or renewed in this state on or after July 1, 2010.

LSB 5238HV (12) 83

av/nh



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House File 9999 - Introduced

HOUSE FILE
BY GAYMAN

A BILL FOR

1 An Act relating to continuation of and reenrollment in
2 dental coverage for certain adult children and including
3 applicability and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5074HH (13) 83
av/rj



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House File 9999 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, subsection 29A, Code Supplement
1 2 2009, is amended to read as follows:

1 3 29A. If the health benefits coverage or insurance,
1 4 including dental benefits coverage or insurance, of the
1 5 taxpayer includes coverage of a nonqualified tax dependent as
1 6 determined by the federal internal revenue service, subtract,
1 7 to the extent included, the amount of the value of such
1 8 coverage attributable to the nonqualified tax dependent.

1 9 Sec. 2. Section 509.3, subsection 1, paragraph h, Code
1 10 Supplement 2009, is amended to read as follows:

1 11 h. A provision that the insurer will permit continuation of
1 12 existing coverage, including dental coverage or reenrollment
1 13 in previously existing coverage, including dental coverage for
1 14 an individual who meets the requirements of section 513B.2,
1 15 subsection 14, paragraph "a", "b", "c", "d", or "e", and who
1 16 is an unmarried child of an insured or enrollee who so elects,
1 17 at least through the policy anniversary date on or after
1 18 the date the child marries, ceases to be a resident of this
1 19 state, or attains the age of twenty-five years old, whichever
1 20 occurs first, or so long as the unmarried child maintains
1 21 full-time status as a student in an accredited institution of
1 22 postsecondary education.

1 23 Sec. 3. Section 509A.13B, Code Supplement 2009, is amended
1 24 to read as follows:

1 25 509A.13B Coverage of children == continuation or
1 26 reenrollment.

1 27 If a governing body, a county board of supervisors, or a
1 28 city council has procured accident or health care coverage
1 29 including dental coverage for its employees under this chapter,
1 30 such coverage shall permit continuation of existing coverage,
1 31 including dental coverage or reenrollment in previously
1 32 existing coverage, including dental coverage, for an individual
1 33 who meets the requirements of section 513B.2, subsection 14,
1 34 paragraph "a", "b", "c", "d", or "e", and who is an unmarried
1 35 child of an insured or enrollee who so elects, at least through



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House File 9999 - Introduced continued

2 1 the policy anniversary date on or after the date the child
2 2 marries, ceases to be a resident of this state, or attains
2 3 the age of twenty-five years old, whichever occurs first, or
2 4 so long as the unmarried child maintains full-time status
2 5 as a student in an accredited institution of postsecondary
2 6 education.

2 7 Sec. 4. Section 514A.3B, subsection 2, Code Supplement
2 8 2009, is amended to read as follows:

2 9 2. An insurer issuing an individual policy or contract of
2 10 accident and health insurance, including dental insurance which
2 11 provides coverage, including dental coverage, for children of
2 12 the insured shall permit continuation of existing coverage,
2 13 including dental coverage, or reenrollment in previously
2 14 existing coverage, including dental coverage, for an individual
2 15 who meets the requirements of section 513B.2, subsection 14,
2 16 paragraph "a", "b", "c", "d", or "e", and who is an unmarried
2 17 child of an insured or enrollee who so elects, at least through
2 18 the policy anniversary date on or after the date the child
2 19 marries, ceases to be a resident of this state, or attains
2 20 the age of twenty-five years old, whichever occurs first, or
2 21 so long as the unmarried child maintains full-time status
2 22 as a student in an accredited institution of postsecondary
2 23 education.

2 24 Sec. 5. Section 514B.9A, Code Supplement 2009, is amended
2 25 to read as follows:

2 26 514B.9A Coverage of children == continuation or reenrollment.

2 27 A health maintenance organization which provides health care
2 28 coverage, including dental coverage, pursuant to an individual
2 29 or group health maintenance organization contract regulated
2 30 under this chapter for children of an enrollee shall permit
2 31 continuation of existing coverage, including dental coverage or
2 32 reenrollment in previously existing coverage, including dental
2 33 coverage, for an individual who meets the requirements of
2 34 section 513B.2, subsection 14, paragraph "a", "b", "c", "d", or
2 35 "e", and who is an unmarried child of an enrollee who so elects,



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3 1 at least through the policy anniversary date on or after
3 2 the date the child marries, ceases to be a resident of this
3 3 state, or attains the age of twenty-five years old, whichever
3 4 occurs first, or so long as the unmarried child maintains
3 5 full-time status as a student in an accredited institution of
3 6 postsecondary education.

3 7 Sec. 6. APPLICABILITY. The sections of this Act amending
3 8 section 509.3, subsection 1, paragraph "h", 509A.13B, 514A.3B,
3 9 subsection 2, and 514B.9A, apply to policies, contracts, or
3 10 plans of accident and health insurance, including dental
3 11 insurance, delivered, issued for delivery, continued, or
3 12 renewed in this state on or after July 1, 2010.

3 13 Sec. 7. RETROACTIVE APPLICABILITY DATE. The section of
3 14 this Act amending section 422.7, subsection 29A, applies
3 15 retroactively to January 1, 2010, for tax years beginning on
3 16 or after that date.

3 17 EXPLANATION

3 18 This bill relates to the continuation of or reenrollment in
3 19 dental benefits insurance coverage for certain adult children
3 20 in previously existing dental coverage of their parents.

3 21 Code section 422.7(29A) is amended to provide that if the
3 22 dental benefits coverage or insurance of an Iowa taxpayer
3 23 includes coverage of a nonqualified tax dependent as determined
3 24 by the federal internal revenue service, the amount of the
3 25 value of that coverage is not subject to state income tax.
3 26 This amendment applies retroactively to January 1, 2010.

3 27 Code section 509.3(1)(h) relating to group health insurance,
3 28 Code section 509A.13B, relating to group health insurance
3 29 for public employees, Code section 514A.3B(2), relating to
3 30 individual policies of health insurance, and Code section
3 31 514B.9A relating to coverage provided by health maintenance
3 32 organizations, are amended to require that adult children who
3 33 are unmarried, residents of this state, and up to 25 years of
3 34 age, or who are full-time students be allowed to continue to
3 35 be enrolled or to reenroll in previously existing dependent



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House File 9999 - Introduced continued

4 1 dental benefits coverage of their parents. These provisions
4 2 are applicable to policies, contracts, or plans of accident and
4 3 health insurance, including dental insurance, delivered, issued
4 4 for delivery, continued, or renewed in this state on or after
4 5 July 1, 2010.

LSB 5074HH (13) 83

av/rj



Iowa General Assembly
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House Study Bill 575

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

A BILL FOR

1 An Act providing for the regulation of commercial
2 establishments required to be certified to keep certain
3 pets, including by providing for regulation, the imposition
4 of fees, and an appropriation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5462YC (6) 83
da/nh



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House Study Bill 575 continued

PAG LIN

1 1 Section 1. Section 162.2, Code Supplement 2009, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 8A. "Department" means the department of
1 4 agriculture and land stewardship.

1 5 Sec. 2. Section 162.6, Code 2009, is amended to read as
1 6 follows:

1 7 162.6 Commercial kennel or public auction license.

1 8 A person shall not operate a commercial kennel or public
1 9 auction unless the person has obtained a license to operate a
1 10 commercial kennel or a public auction issued by the secretary
1 11 or unless the person has obtained a certificate of registration
1 12 issued by the secretary if the kennel is federally licensed.
1 13 Application for the license or the certificate shall be made
1 14 in the manner provided by the secretary. The license and the
1 15 certificate expire one year from date of issue unless revoked.

1 16 The license fee is forty dollars per year and the certification
1 17 fee is ~~twenty~~ one hundred dollars annually. If the person
1 18 has obtained a federal license, the person need only obtain a
1 19 certificate. The license may be renewed upon application and
1 20 payment of the prescribed fee in the manner provided by the
1 21 secretary if the licensee has conformed to all statutory and
1 22 regulatory requirements. The certificate may be renewed upon
1 23 application and payment of the prescribed fee in the manner
1 24 provided by the secretary. A person who cares for Iowa whelped
1 25 dogs regulated under section 99D.22 is exempt from paying the
1 26 certification fee.

1 27 Sec. 3. Section 162.7, Code 2009, is amended to read as
1 28 follows:

1 29 162.7 Dealer license.

1 30 A person shall not operate as a dealer unless the person
1 31 has obtained a license issued by the secretary or unless the
1 32 person has obtained a certificate of registration issued by the
1 33 secretary if the kennel is federally licensed. Application
1 34 for the license or the certificate shall be made in the manner
1 35 provided by the secretary. The license and certificate expire



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2 1 one year from date of issue unless revoked. The license fee
2 2 is one hundred dollars per year and the certification fee
2 3 is ~~twenty~~ one hundred dollars per year. The license may be
2 4 renewed upon application and payment of the fee in the manner
2 5 provided by the secretary if the licensee has conformed to all
2 6 statutory and regulatory requirements. The certificate may be
2 7 renewed upon application and payment of the fee in the manner
2 8 provided by the secretary. A person who cares for Iowa whelped
2 9 dogs regulated under section 99D.22 is exempt from paying the
2 10 certification fee.

2 11 Sec. 4. Section 162.8, Code 2009, is amended to read as
2 12 follows:

2 13 162.8 Commercial breeder's license.

2 14 A person shall not operate as a commercial breeder unless
2 15 the person has obtained a license issued by the secretary or
2 16 unless the person has obtained a certificate of registration
2 17 issued by the secretary if the kennel is federally licensed.
2 18 Application for the license or the certificate shall be made in
2 19 the manner provided by the secretary. The annual license or
2 20 the certification period expires one year from date of issue.
2 21 The license fee is forty dollars per year and the certificate
2 22 fee is ~~twenty~~ one hundred dollars per year. The license may
2 23 be renewed upon application and payment of the prescribed fee
2 24 in the manner provided by the secretary if the licensee has
2 25 conformed to all statutory and regulatory requirements. The
2 26 certificate may be renewed upon application and payment of the
2 27 prescribed fee in the manner provided by the secretary. A
2 28 person who cares for Iowa whelped dogs regulated under section
2 29 99D.22 is exempt from paying the certification fee.

2 30 Sec. 5. Section 162.11, subsection 2, Code 2009, is amended
2 31 by striking the subsection.

2 32 Sec. 6. Section 162.12, Code 2009, is amended to read as
2 33 follows:

2 34 162.12 ~~Denial or revocation of license or registration~~
2 35 Regulation.



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3 1 1. The department shall provide for the regulation of a
 3 2 person who applies for or has been issued a certificate of
 3 3 registration as a commercial kennel or public auction pursuant
 3 4 to section 162.6, a dealer pursuant to section 162.7, or a
 3 5 commercial breeder under section 162.8.

3 6 2. A certificate of registration may be denied to any pound
 3 7 or animal shelter and a license or certificate of registration
 3 8 may be denied to any public auction, boarding kennel,
 3 9 commercial kennel, research facility, pet shop, commercial
 3 10 breeder, or dealer, or an existing certificate or license may
 3 11 be revoked by the secretary if, after public hearing, it is
 3 12 determined that the housing facilities or primary enclosures
 3 13 are inadequate under this chapter or if the feeding, watering,
 3 14 cleaning, and housing practices at the pound, animal shelter,
 3 15 public auction, pet shop, boarding kennel, commercial kennel,
 3 16 research facility, or those practices by the commercial breeder
 3 17 or dealer, are not in compliance with this chapter or with the
 3 18 rules adopted pursuant to this chapter. The premises of each
 3 19 licensee or certificate holder shall be open for inspection
 3 20 during normal business hours.

3 21 Sec. 7. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP ==
 3 22 REGULATION OF COMMERCIAL ESTABLISHMENTS. There is appropriated
 3 23 from the general fund of the state to the department of
 3 24 agriculture and land stewardship for the fiscal year beginning
 3 25 July 1, 2010, and ending June 30, 2011, the following amount,
 3 26 or so much thereof as is necessary, to be used for the purposes
 3 27 designated:

3 28 For purposes of supporting an inspector for the enforcement
 3 29 of chapter 162, including salaries, support, maintenance,
 3 30 miscellaneous purposes, and for not more than the following
 3 31 full-time equivalent positions:

3 32	\$	100,000
3 33	FTEs	1.00

3 34 EXPLANATION
 3 35 This bill amends a provision in Code chapter 162 authorizing



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4 1 the department of agriculture and land stewardship to
4 2 regulate commercial establishments that care for dogs or
4 3 cats. Generally, a commercial establishment must obtain a
4 4 license or certificate of registration. The bill addresses
4 5 several types of commercial establishments that have obtained
4 6 a federal license in lieu of a state license. These include a
4 7 commercial kennel (Code section 162.6), public auction (Code
4 8 section 162.6), dealer (Code section 162.7), and commercial
4 9 breeder (Code section 162.8). A federally licensed commercial
4 10 establishment must still obtain a certificate of registration
4 11 from the department and must pay a certification fee of \$20.
4 12 Two Code sections address certificates of registration issued
4 13 to a federally licensed commercial establishment. Code section
4 14 162.11(2) provides that other than obtaining a certificate
4 15 of registration, the commercial establishment is not subject
4 16 to further departmental regulation. However, Code section
4 17 162.12 provides that the department may deny an application
4 18 for a certificate of registration or revoke a certificate of
4 19 registration that has been issued if the department determines
4 20 that the practices of the commercial establishment do not
4 21 comply with the requirements of the Code chapter.
4 22 The bill increases the fee for the issuance of a certificate
4 23 of registration to \$100, but exempts commercial establishments
4 24 that care for Iowa whelped dogs involved in pari-mutuel racing.
4 25 The bill eliminates Code section 162.11(2) and amends Code
4 26 section 162.12 to expressly direct the department to regulate
4 27 a person who applies for or has been issued a certificate of
4 28 registration as a commercial kennel or public auction, dealer,
4 29 or commercial breeder. The bill also makes an appropriation
4 30 and allocates a full-time equivalent position to the department
4 31 in order to enforce the provisions of the Code chapter.

LSB 5462YC (6) 83

da/nh



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House Study Bill 576

HOUSE FILE

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

A BILL FOR

- 1 An Act relating to disaster recovery case management.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5351HC (1) 83
tm/nh



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House Study Bill 576 continued

PAG LIN

1 1 Section 1. NEW SECTION. 29C.20B Disaster case management.
1 2 1. The department of human services shall work with
1 3 nonprofit, voluntary, and faith-based organizations active
1 4 in disaster recovery and response in coordination with
1 5 the homeland security and emergency management division
1 6 to establish and coordinate a statewide system of disaster
1 7 case management to be activated following the governor's
1 8 proclamation of a disaster emergency or the declaration of a
1 9 major disaster by the president of the United States. Under
1 10 the system, the department of human services shall coordinate
1 11 the provision of services locally through local committees as
1 12 established in each county's emergency plan.
1 13 2. The department of human services, in conjunction with
1 14 the homeland security and emergency management division and an
1 15 Iowa representative to the national voluntary organizations
1 16 active in disaster, shall adopt rules pursuant to chapter
1 17 17A to create coordination mechanisms and standards for the
1 18 establishment and implementation of a statewide system of
1 19 disaster case management which shall include at least all of
1 20 the following:
1 21 a. Disaster case management standards.
1 22 b. Disaster case management policies.
1 23 c. Reporting requirements.
1 24 d. Eligibility criteria.
1 25 e. Coordination mechanisms necessary to carry out the
1 26 services provided.
1 27 f. Develop formal working relationships with agencies and
1 28 create interagency agreements for those considered to provide
1 29 disaster case management services.
1 30 g. Provide a central point of coordination of all available
1 31 services for individuals from multiple agencies.
1 32 Sec. 2. BUSINESS DISASTER CASE MANAGEMENT TASK FORCE.
1 33 1. A business disaster case management task force is
1 34 established to research disaster recovery case management
1 35 assistance needed for businesses following a major disaster.



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House Study Bill 576 continued

- 2 1 The task force shall recommend steps for preparing to provide
2 2 such assistance following disasters.
2 3 2. The task force shall consult with experts, businesses
2 4 impacted by previous disasters, and other interested
2 5 stakeholders.
2 6 3. The task force shall submit written recommendations to
2 7 the governor and the general assembly by November 15, 2010.
2 8 4. The rebuild Iowa office shall provide staffing for the
2 9 task force.
2 10 5. The task force shall consist of the following members
2 11 appointed by the governor:
2 12 a. A representative of the United States small business
2 13 administration.
2 14 b. A representative of Iowa small business development
2 15 centers.
2 16 c. A representative of the safeguard Iowa partnership.
2 17 d. A representative of professional developers of Iowa.
2 18 e. A representative of the Iowa association of business and
2 19 industry.
2 20 f. A representative of the Iowa retail federation.
2 21 g. A representative of the department of economic
2 22 development.
2 23 h. A representative of the homeland security and emergency
2 24 management division of the department of public defense.
2 25 i. Two business owners.
2 26 6. Members of the task force shall not receive a per diem,
2 27 shall not be reimbursed for actual and necessary expenses while
2 28 in attendance at any meeting, and shall not be reimbursed for
2 29 travel expenses.
2 30 7. The task force may conduct meetings telephonically.

2 31 EXPLANATION

2 32 This bill relates to disaster recovery case management.
2 33 The bill requires the department of human services to work
2 34 with nonprofit, voluntary, and faith-based organizations active
2 35 in disaster recovery and response in coordination with the



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3 1 homeland security and emergency management division of the
3 2 department of public defense to establish and coordinate a
3 3 statewide system of disaster case management to be activated
3 4 following the governor's proclamation of a disaster emergency
3 5 or the declaration of a major disaster by the president of
3 6 the United States. The department is required to coordinate
3 7 the provision of services locally through local committees as
3 8 established in each county's emergency plan.

3 9 The bill creates a business disaster case management task
3 10 force to research disaster recovery case management assistance
3 11 needed for businesses following a major disaster. The task
3 12 force shall recommend steps for preparing to provide such
3 13 assistance following disasters by November 15, 2010. The
3 14 rebuild Iowa office shall provide staffing for the task force.

LSB 5351HC (1) 83

tm/nh



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House Study Bill 577

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON LYKAM)

A BILL FOR

1 An Act requiring carbon monoxide detectors in certain dwellings
2 and multiple-unit residential buildings, making penalties
3 applicable, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5550YC (3) 83
md/nh



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1 1 Section 1. Section 100.18, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 0a. "Carbon monoxide detector" means a
1 4 device which detects carbon monoxide and which incorporates
1 5 control equipment and an alarm=sounding unit operated from a
1 6 power supply either in the unit or obtained at the point of
1 7 installation.
1 8 Sec. 2. Section 100.18, Code 2009, is amended by adding the
1 9 following new subsection:
1 10 NEW SUBSECTION. 2A. a. Multiple=unit residential buildings
1 11 and single=family dwellings, the construction of which is
1 12 begun on or after July 1, 2011, shall include the installation
1 13 of carbon monoxide detectors in compliance with the rules
1 14 established by the state fire marshal under subsection 4.
1 15 b. The rules shall require the installation of carbon
1 16 monoxide detectors in existing single=family rental units and
1 17 multiple=unit residential buildings. Existing single=family
1 18 dwellings shall be equipped with approved carbon monoxide
1 19 detectors. A person who files for a homestead credit pursuant
1 20 to chapter 425 shall certify that the single=family dwelling
1 21 for which the credit is filed has a carbon monoxide detector
1 22 installed in compliance with this section, or that one will be
1 23 installed within thirty days of the date the filing for the
1 24 credit is made. The state fire marshal shall adopt rules and
1 25 establish appropriate procedures to administer this subsection.
1 26 c. An owner or an owner's agent of a multiple=unit
1 27 residential building or a single=family rental unit shall
1 28 supply light=emitting carbon monoxide detectors, upon request,
1 29 for a tenant with a hearing impairment.
1 30 Sec. 3. Section 100.18, subsections 4, 6, and 7, Code 2009,
1 31 are amended to read as follows:
1 32 4. The state fire marshal shall enforce the requirements
1 33 of ~~subsection~~ subsections 2 and 2A and may implement a program
1 34 of inspections to monitor compliance with the provisions
1 35 of ~~that subsection~~ those subsections. Upon inspection,



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2 1 the state fire marshal shall issue a written notice to the
2 2 owner or manager of a multiple=unit residential building or
2 3 single=family ~~dwelling~~ rental unit informing the owner or
2 4 manager of compliance or noncompliance with this section. The
2 5 state fire marshal may contract with any political subdivision
2 6 without fee assessed to either the state fire marshal or the
2 7 political subdivision, for the performance of the inspection
2 8 and notification responsibilities. The inspections authorized
2 9 under this section are limited to the placement, repair, and
2 10 operability of smoke detectors and carbon monoxide detectors.
2 11 Any broader inspection authority is not derived from this
2 12 section. The state fire marshal shall adopt rules under
2 13 chapter 17A as necessary to enforce this section including
2 14 rules concerning the placement of smoke detectors and carbon
2 15 monoxide detectors and the use of acceptable smoke detectors
2 16 and carbon monoxide detectors. The smoke detectors and
2 17 carbon monoxide detectors shall display a label or other
2 18 identification issued by an approved testing agency or another
2 19 label specifically approved by the state fire marshal.
2 20 6. If a smoke detector or carbon monoxide detector is found
2 21 to be inoperable, the owner or manager of the multiple=unit
2 22 residential building or single=family ~~dwelling~~ rental
2 23 unit shall correct the situation within fourteen days after
2 24 written notification to the owner or manager by the tenant,
2 25 guest, roomer, state fire marshal, fire marshal's subordinates,
2 26 chiefs of local fire departments, building inspectors, or other
2 27 fire, building, or safety officials. If the owner or manager
2 28 of a multiple=unit residential building or single=family rental
2 29 unit fails to correct the situation within the fourteen days
2 30 the tenant, guest, or roomer may cause the smoke detector or
2 31 carbon monoxide detector to be repaired or purchase and install
2 32 a smoke detector or carbon monoxide detector required under
2 33 this section and may deduct the repair cost or purchase price
2 34 from the next rental payment or payments made by the tenant,
2 35 guest, or roomer. However, a lessor or owner may require a



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3 1 lessee, tenant, guest, or roomer who has a residency of longer
3 2 than thirty days to provide the battery for a battery operated
3 3 smoke detector or carbon monoxide detector.

3 4 7. No person may render inoperable a smoke detector, or
3 5 carbon monoxide detector which is required to be installed by
3 6 this section, by tampering.

3 7 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2011.

3 8 EXPLANATION

3 9 This bill amends current law that requires smoke detectors
3 10 in multiple-unit residential buildings and single-family
3 11 dwellings to also require the installation of carbon monoxide
3 12 detectors, as defined in the bill, in such buildings.

3 13 The bill requires the installation of carbon monoxide
3 14 detectors in multiple-unit residential buildings and
3 15 single-family dwellings constructed on or after July 1, 2011.

3 16 In addition, the state fire marshal shall adopt rules for
3 17 the installation of carbon monoxide detectors in existing
3 18 multiple-unit residential buildings and single-family rental
3 19 units. The owner of a single-family dwelling is responsible
3 20 for installing a carbon monoxide detector and shall certify
3 21 such installation upon filing for a homestead credit. Owners
3 22 of multiple-unit residential buildings and single-family
3 23 rental units are also required to supply light-emitting carbon
3 24 monoxide detectors for hearing-impaired tenants.

3 25 Current requirements applicable to smoke detectors are also
3 26 made applicable to carbon monoxide detectors in the bill. The
3 27 bill provides that the state fire marshal shall enforce the
3 28 requirements of the bill concerning carbon monoxide detectors
3 29 and provides that an occupant of a multiple-unit residential
3 30 building or single-family rental unit in which the owner fails
3 31 to install or fix a carbon monoxide detector within 14 days
3 32 of receiving written notice may deduct the cost of fixing or
3 33 installing a carbon monoxide detector from the next rental
3 34 payment. In addition, a person is prohibited from making a
3 35 carbon monoxide detector inoperable. A person who violates a



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- 4 1 provision of the bill concerning carbon monoxide detectors is
 - 4 2 guilty of a simple misdemeanor.
 - 4 3 The bill takes effect July 1, 2011.
- LSB 5550YC (3) 83
md/nh



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House Study Bill 578

SENATE/HOUSE FILE
BY (PROPOSED CITIZENS?
AIDE/OMBUDSMAN BILL)

A BILL FOR

1 An Act concerning the Iowa lottery authority relating to the
2 awarding of prizes and providing a criminal penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5437DP (12) 83
ec/nh



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PAG LIN

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

1 3 3. That lottery games shall be operated and managed in a
1 4 manner that provides continuing entertainment to the public,
1 5 maximizes revenues, protects the interests of customers, and
1 6 ensures that the lottery is operated with integrity and dignity
1 7 and free from political influence.

1 8 Sec. 2. Section 99G.31, subsection 2, paragraphs a and e,
1 9 Code 2009, are amended to read as follows:

1 10 a. The prize shall be given to the person who presents a
1 11 winning ticket only after the authority, retailer, or employee
1 12 of a retailer has verified that there is a signature on each
1 13 winning ticket submitted for checking or validation. A prize
1 14 may be given to only one person per winning ticket. However, a
1 15 prize shall be divided between holders of winning tickets if
1 16 there is more than one winning ticket. Payment Notwithstanding
1 17 the requirement to sign a winning ticket, payment of a prize
1 18 may be made to the estate of a deceased prize winner or to
1 19 another person pursuant to an appropriate judicial order issued
1 20 by an Iowa court of competent jurisdiction.

1 21 e. No prize shall be paid upon a ticket or share ~~purchased~~
1 22 ~~or sold~~ obtained in violation of this chapter. Any such prize
1 23 shall constitute an unclaimed prize for purposes of this
1 24 section.

1 25 Sec. 3. Section 99G.36, Code 2009, is amended by adding the
1 26 following new subsection:

1 27 NEW SUBSECTION. 4. A retailer or an employee of a retailer
1 28 shall not charge a fee to a person who presents a winning
1 29 ticket, shall not pay less than the designated value of the
1 30 prize, and shall not purchase or otherwise acquire the ticket
1 31 for less than the designated value of the prize. A retailer or
1 32 an employee of a retailer shall not submit in the retailer or
1 33 employee's name a prize claim that originally was presented for
1 34 payment by the holder of a winning ticket to whom the retailer
1 35 or employee paid a discounted prize amount or from whom the



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2 1 retailer or employee received payment in return for making the
2 2 claim. A person who violates the provisions of this subsection
2 3 is guilty of an aggravated misdemeanor.

2 4 Sec. 4. NEW SECTION. 99G.36A Recovery of improperly won or
2 5 claimed prizes.

2 6 1. When the authority finds that a prize has been won
2 7 in violation of this chapter, the authority shall pursue
2 8 forfeiture, recoupment, or restitution of the prize or proceeds
2 9 of the prize pursuant to the requirements of this section.

2 10 2. The value of any prize won in violation of this chapter
2 11 shall be recoverable as restitution pursuant to chapter
2 12 910. The authority shall adopt rules pursuant to chapter 17A
2 13 providing for procedures dealing with the following matters:

2 14 a. The forfeiture of any prize won in violation of this
2 15 chapter, when the prize has not yet been awarded.

2 16 b. The recoupment of any prize, or proceeds of the prize,
2 17 won in violation of this chapter, when the prize has already
2 18 been awarded. Such recoupment efforts may include but are not
2 19 limited to initiation of a civil lawsuit, garnishment, and
2 20 prize offset as provided in section 99G.41.

2 21 c. The filing of a claim with the appropriate county
2 22 attorney to seek restitution to recover the value of the prize
2 23 won in violation of this chapter, when a prize has already
2 24 been awarded and the matter is the subject of a criminal
2 25 prosecution.

2 26 3. Any prize or proceeds of a prize recovered pursuant
2 27 to this section shall be added to the pool from which future
2 28 prizes are to be awarded or used for special prize promotions.

2 29 EXPLANATION

2 30 This bill concerns the Iowa lottery authority.

2 31 Code section 99G.2 is amended to provide that lottery games
2 32 shall be operated and managed in a way to protect the interests
2 33 of customers.

2 34 Code section 99G.31, concerning prizes, is amended to
2 35 provide that prizes shall be awarded only after the authority,



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3 1 retailer, or employee of a retailer has verified that there is
3 2 a signature on each winning ticket submitted for checking or
3 3 validation.
3 4 Code section 99G.36, concerning criminal penalties for
3 5 certain lottery-related violations, is amended. The bill
3 6 provides that it is an aggravated misdemeanor for a retailer
3 7 to charge a fee to a person who presents a winning ticket, pay
3 8 less than the designated value of the prize, or purchase or
3 9 otherwise acquire the ticket for less than the designated value
3 10 of the prize. In addition, the bill makes it an aggravated
3 11 misdemeanor for a retailer or an employee of a retailer to
3 12 submit in the retailer or employee's name a prize claim that
3 13 originally was presented for payment by the holder of a winning
3 14 ticket to whom the retailer or employee paid a discounted prize
3 15 amount or from whom the retailer or employee received payment
3 16 in return for making the claim. An aggravated misdemeanor is
3 17 punishable by confinement for no more than two years and a fine
3 18 of at least \$625 but not more than \$6,250.
3 19 New Code section 99G.36A provides that the Iowa lottery
3 20 authority shall pursue forfeiture, recoupment, or restitution
3 21 of the prize or proceeds of the prize under Code chapter 910
3 22 when the authority finds that a prize has been won in violation
3 23 of Code chapter 99G. The bill provides that any prize or
3 24 proceeds of a prize recovered pursuant to this new Code section
3 25 shall be added to the pool from which future prizes are to be
3 26 awarded or used for special prize promotions.

LSB 5437DP (12) 83



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House Study Bill 579

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF AGRICULTURE AND
LAND STEWARDSHIP BILL)

A BILL FOR

1 An Act relating to grape and wine development by providing for
2 the elimination of a commission, programs, and duties of the
3 department of agriculture and land stewardship and providing
4 for the transfer of unexpended and unobligated moneys.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5232DP (5) 83
da/sc



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House Study Bill 579 continued

PAG LIN

1 1 Section 1. REPEAL. Chapter 175A, Code 2009, is repealed.
1 2 Sec. 2. GRAPE AND WINE DEVELOPMENT FUND. This Act does
1 3 not affect the expenditure of moneys by the department of
1 4 agriculture and land stewardship to satisfy any obligations or
1 5 encumbrances of moneys in the grape and wine development fund
1 6 created in section 175A.5, if the obligations or encumbrances
1 7 were incurred prior to the effective date of this Act.
1 8 Moneys credited to the grape and wine development fund that
1 9 are unobligated or unencumbered at the close of the fiscal
1 10 year ending June 30, 2010, shall be transferred to the wine
1 11 gallonage tax fund created in section 123.183 in the same
1 12 manner as a reversion.

1 13 EXPLANATION

1 14 This bill eliminates Code provisions promoting grape and
1 15 wine development. The provisions were established in 2001
1 16 by S.F. 524 (2001 Iowa Acts, chapter 162) and codified in
1 17 Code chapter 175A. The Code chapter provides for a grape and
1 18 wine development commission housed within the department of
1 19 agriculture and land stewardship and requires the department
1 20 to establish grape and wine development programs by assisting
1 21 persons in establishing, improving, or expanding vineyards
1 22 or winemaking operations. The Code chapter also includes
1 23 a grape and wine development fund which was originally
1 24 supported by moneys derived from the wine gallonage tax (Code
1 25 section 123.183). The bill provides that unobligated or
1 26 unencumbered moneys remaining in the grape and wine development
1 27 fund remaining at the close of the current fiscal year,
1 28 or any subsequent fiscal year, are transferred to the wine
1 29 gallonage tax fund which is used by the department of economic
1 30 development for wine and beer promotion.

LSB 5232DP (5) 83

da/sc



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House Study Bill 580

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF COMMERCE/INSURANCE
DIVISION BILL)

A BILL FOR

1 An Act relating to various matters under the purview of the
2 insurance division of the department of commerce including
3 the Iowa grain indemnity fund board, uniform securities Act,
4 examination of insurance companies, life insurance companies
5 and associations, external review of health care coverage
6 decisions, insurance other than life, mortgage guaranty
7 insurance, cemetery and funeral merchandise and funeral
8 services, and regulation of cemeteries and making penalties
9 applicable.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5409XD (11) 83
av/nh



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1 1 Section 1. Section 20.4, Code Supplement 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 13. Full-time nonclerical employees of
1 4 the company regulation bureau of the insurance division of the
1 5 department of commerce.
1 6 Sec. 2. Section 22.7, Code Supplement 2009, is amended by
1 7 adding the following new subsection:
1 8 NEW SUBSECTION. 65. Information obtained by the
1 9 commissioner of insurance in the course of an examination of a
1 10 cemetery as provided in section 523I.213A, subsection 7.
1 11 Sec. 3. Section 203D.4, subsection 1, Code 2009, is amended
1 12 to read as follows:
1 13 1. The Iowa grain indemnity fund board is established
1 14 to advise the department on matters relating to the fund
1 15 and to perform the duties provided it in this chapter. The
1 16 board is composed of the secretary of agriculture or a
1 17 designee who shall serve as president; ~~the commissioner of~~
~~1 18 insurance or a designee who shall serve as secretary;~~ the
1 19 state treasurer or a designee who shall serve as treasurer;
1 20 and four representatives of the grain industry appointed by
1 21 the governor, subject to confirmation by the senate, two of
1 22 whom shall be representatives of producers and who shall
1 23 be actively participating producers, and two of whom shall
1 24 be representatives of licensed grain dealers and licensed
1 25 warehouse operators and who shall be actively participating
1 26 licensed grain dealers and licensed warehouse operators, each
1 27 of whom shall be selected from a list of three nominations
1 28 made by the secretary of agriculture. The term of membership
1 29 of the grain industry representatives is three years, and the
1 30 representatives are eligible for reappointment. However,
1 31 only actively participating producers, and grain dealers and
1 32 warehouse operators are eligible for reappointment. The
1 33 grain industry representatives are entitled to a per diem as
1 34 specified in section 7E.6 for each day spent in the performance
1 35 of the duties of the board, plus actual expenses incurred in



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2 1 the performance of those duties. Four members of the board
2 2 constitute a quorum, and the affirmative vote of four members
2 3 is necessary for any action taken by the board, except that
2 4 a lesser number may adjourn a meeting. A vacancy in the
2 5 membership of the board does not impair the rights of a quorum
2 6 to exercise all the rights and perform all the duties of the
2 7 board.

2 8 Sec. 4. Section 502.305, subsection 2, Code Supplement
2 9 2009, is amended to read as follows:

2 10 2. Filing. Except as provided in subsection 10 and section
2 11 502.304A, subsection 3, paragraph "g", a person who files a
2 12 registration statement or a notice filing shall pay a filing
2 13 fee of one-tenth of one percent of the proposed aggregate
2 14 sales price of the securities to be offered to persons in
2 15 this state pursuant to the registration statement or notice
2 16 filing. However, except as provided in subsection 10, section
2 17 502.302, subsection 1, paragraph "a", and section 502.304A,
2 18 subsection 3, paragraph "g", the annual filing fee shall not
2 19 be less than fifty dollars or more than one thousand dollars.
2 20 The administrator shall retain the filing fee even if the
2 21 notice filing is withdrawn or the registration is withdrawn,
2 22 denied, suspended, revoked, or abandoned. The fees collected
2 23 under this subsection shall be deposited as provided in section
2 24 505.7. The administrator may adopt rules requiring a filing
2 25 to be made electronically. The rules may provide for such
2 26 electronic filing either directly with the administrator or
2 27 with a designee of the administrator. The rules may require
2 28 that the filer pay any reasonable costs charged by the designee
2 29 of the administrator for processing the filings and that the
2 30 filer submit any fees paid through the designee.

2 31 Sec. 5. Section 507.4, subsection 2, Code 2009, is amended
2 32 to read as follows:

2 33 2. The commissioner may, when in the commissioner's
2 34 judgment it is advisable, appoint assistants to aid in
2 35 conducting examinations. ~~The commissioner shall employ~~



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~~3 1 rates of compensation consistent with current standards in
3 2 the industry for certified public accountants, attorneys,
3 3 and skilled insurance examiners. The commissioner may use
3 4 compensation rates suggested by the national association of
3 5 insurance commissioners. Insurance examiners employed under
3 6 this section shall be exempt from the merit system provisions
3 7 of chapter 8A, subchapter IV, under section 8A.412, subsection
3 8 17. Pay plans which are substantially equivalent to those
3 9 for examiners under section 524.208 shall be established for
3 10 exempt company regulation bureau employees who examine the
3 11 accounts and affairs of companies subject to the supervision
3 12 and regulation of the commissioner. Compensation shall be paid
3 13 from appropriations for such purposes upon certification of the
3 14 commissioner, which shall be reimbursed as provided in sections
3 15 507.8 and 507.9.~~

3 16 Sec. 6. NEW SECTION. 508.33A Limited purpose subsidiary
3 17 life insurance companies.

3 18 1. As used in this section unless the context otherwise
3 19 requires:

3 20 a. "Affiliated company" means a domestic life insurance
3 21 company that is a directly or indirectly wholly owned
3 22 subsidiary of the same parent.

3 23 b. "Parent" means a person as defined in section 521A.1
3 24 who directly or indirectly through one or more intermediaries
3 25 wholly owns the organizing life insurance company.

3 26 c. "Risks" means risks associated with the life insurance
3 27 policies and contracts written by the ceding domestic life
3 28 insurance company or assumed by the ceding domestic life
3 29 insurance company from an affiliated company, which were
3 30 written by the affiliated company and for which the ceding
3 31 domestic life insurance company holds direct statutory reserves
3 32 for those policies and contracts as required by section 508.36.

3 33 2. a. A domestic life insurance company organized pursuant
3 34 to the provisions of this chapter may organize a domestic
3 35 limited purpose subsidiary life insurance company pursuant



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4 1 to the provisions of this chapter that is wholly owned by
4 2 the organizing life insurance company. The limited purpose
4 3 subsidiary life insurance company may reinsure risks of the
4 4 organizing life insurance company, reinsure risks of affiliated
4 5 companies, and access alternative forms of financing.

4 6 b. A limited purpose subsidiary life insurance company
4 7 shall submit a plan of operation to the commissioner, and the
4 8 commissioner shall approve the plan of operation with such
4 9 amendments as the commissioner requires, before the limited
4 10 purpose subsidiary life insurance company assumes any risks
4 11 under a reinsurance contract. The plan of operation and any
4 12 records, books, documents, reports, or other information that
4 13 the commissioner requires a limited purpose subsidiary life
4 14 insurance company to produce or disclose pursuant to rules
4 15 adopted under subsection 6 or pursuant to an order of the
4 16 commissioner shall be treated the same as information obtained
4 17 by or disclosed to the commissioner pursuant to section 521A.6
4 18 and the commissioner shall have the powers enumerated in
4 19 section 521A.6 as to that insurer.

4 20 3. The organizing life insurance company may invest funds
4 21 from its surplus in a limited purpose subsidiary life insurance
4 22 company organized pursuant to this section.

4 23 4. The organizing life insurance company's officers and
4 24 directors may serve as officers and directors of a limited
4 25 purpose subsidiary life insurance company organized pursuant to
4 26 this section.

4 27 5. A limited purpose subsidiary life insurance company
4 28 organized pursuant to this section shall be deemed to be
4 29 licensed to transact the business of reinsurance for the
4 30 purposes of section 521B.2, subsection 1, but may only
4 31 reinsure risks of its organizing life insurance company and
4 32 of affiliated companies. A limited purpose subsidiary life
4 33 insurance company organized pursuant to this section may, upon
4 34 approval of the commissioner, purchase reinsurance to cede the
4 35 reinsurance risks assumed by the limited purpose subsidiary



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5 1 life insurance company.
5 2 6. The commissioner shall adopt rules pursuant to chapter
5 3 17A concerning limited purpose subsidiary life insurance
5 4 companies, including but not limited to the organization, plans
5 5 of operation, capital requirements including risk-based capital
5 6 requirements, reserves, authorized investments, reinsurance
5 7 assumed, material transaction restrictions and requirements,
5 8 dividends and distributions, operations, and the conditions,
5 9 forms, and approval of financing of limited purpose subsidiary
5 10 life insurance companies organized pursuant to this section.
5 11 7. Admitted assets of a limited purpose subsidiary
5 12 life insurance company shall include assets approved by
5 13 the commissioner which shall be deemed to be, and reported
5 14 as, admitted assets of the limited purpose subsidiary life
5 15 insurance company.
5 16 8. The provisions of sections 508.5, 508.6, and 511.8,
5 17 section 521.2, subsection 4, sections 521A.4 and 521A.5, and
5 18 chapter 521E shall not be applicable to a limited purpose
5 19 subsidiary life insurance company organized pursuant to this
5 20 section.
5 21 9. A limited purpose subsidiary life insurance company
5 22 shall not be organized pursuant to this section prior to the
5 23 effective date of rules adopted by the commissioner regulating
5 24 the organization and operation of limited purpose subsidiary
5 25 life insurance companies as provided in subsection 6.
5 26 Sec. 7. Section 511.8, subsection 5, Code Supplement 2009,
5 27 is amended to read as follows:
5 28 5. Corporate obligations. Subject to the restrictions
5 29 contained in subsection 8 ~~hereof~~, bonds or other evidences of
5 30 indebtedness issued, assumed, or guaranteed by a corporation
5 31 incorporated under the laws of the United States of America, or
5 32 of any state, district, or insular or territorial possession
5 33 thereof; or of the Dominion of Canada, or any province thereof;
5 34 and which meet the following qualifications:
5 35 a. (1) If fixed interest-bearing obligations, the net



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6 1 earnings of the issuing, assuming, or guaranteeing corporation
6 2 available for its fixed charges for a period of five fiscal
6 3 years next preceding the date of acquisition of the obligations
6 4 by such insurance company shall have averaged per year not
6 5 less than one and one-half times such average annual fixed
6 6 charges of the issuing, assuming, or guaranteeing corporation
6 7 applicable to such period, and, during at least one of the last
6 8 two years of such period, its net earnings shall have been
6 9 not less than one and one-half times its fixed charges for
6 10 such year; or if, at the date of acquisition, the obligations
6 11 are adequately secured and have investment qualities and
6 12 characteristics wherein the speculative elements are not
6 13 predominant.

6 14 (2) However, with respect to fixed interest-bearing
6 15 obligations which are issued, assumed, or guaranteed by a
6 16 financial company, the net earnings by the financial company
6 17 available for its fixed charges for the period of five fiscal
6 18 years preceding the date of acquisition of the obligations by
6 19 the insurance company shall have averaged per year not less
6 20 than one and one-fourth times such average annual fixed charges
6 21 of the issuing, assuming, or guaranteeing financial company
6 22 applicable to such period, and, during at least one of the last
6 23 two years of the period, its net earnings shall have been not
6 24 less than one and one-fourth times its fixed charges for such
6 25 year; or if, at the date of acquisition, the obligations are
6 26 adequately secured and speculative elements are not predominant
6 27 in their investment qualities and characteristics. As used
6 28 in this ~~paragraph~~ subparagraph (2), "financial company" means
6 29 a corporation which on the average over its last five fiscal
6 30 years preceding the date of acquisition of its obligations
6 31 by the insurer, has had at least fifty percent of its net
6 32 income, including income derived from subsidiaries, derived
6 33 from the business of wholesale, retail, installment, mortgage,
6 34 commercial, industrial or consumer financing, or from banking
6 35 or factoring, or from similar or related lines of business.



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7 1 b. If adjustment, income, or other contingent interest
7 2 obligations, the net earnings of the issuing, assuming, or
7 3 guaranteeing corporation available for its fixed charges
7 4 for a period of five fiscal years next preceding the date
7 5 of acquisition of the obligations by such insurance company
7 6 shall have averaged per year not less than one and one-half
7 7 times such average annual fixed charges of the issuing,
7 8 assuming, or guaranteeing corporation and its average annual
7 9 maximum contingent interest applicable to such period and,
7 10 during at least one of the last two years of such period, its
7 11 net earnings shall have been not less than one and one-half
7 12 times the sum of its fixed charges and maximum contingent
7 13 interest for such year, or if, at the date of acquisition,
7 14 the obligations are adequately secure and have investment
7 15 qualities and characteristics and speculative elements are not
7 16 predominant.

7 17 c. Are securities that at the date of acquisition are
7 18 rated three by the securities valuation office of the
7 19 national association of insurance commissioners or have the
7 20 equivalent rating by a rating organization that is approved
7 21 by the national association of insurance commissioners as an
7 22 acceptable rating organization and are listed or admitted to
7 23 trading on a securities exchange in the United States or are
7 24 publicly held and actively traded in the over-the-counter
7 25 market and market quotations are readily available. If
7 26 a security acquired under this paragraph is subsequently
7 27 downgraded from a three rating by the securities valuation
7 28 office of the national association of insurance commissioners
7 29 or the equivalent by a national association of insurance
7 30 commissioners' acceptable rating organization, the security no
7 31 longer qualifies as a legal reserve investment.

7 32 d. The term "net earnings available for fixed charges" as
7 33 used ~~herein shall mean~~ in this section means the net income
7 34 after deducting all operating and maintenance expenses, taxes
7 35 other than any income taxes, depreciation, and depletion, but



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8 1 nonrecurring items of income or expense may be excluded.
8 2 e. The term "fixed charges" as used ~~herein shall include in~~
8 3 this section includes interest on unfunded debt and funded debt
8 4 on a parity with or having a priority to the obligation under
8 5 consideration.
8 6 f. The term "corporation" as used in this chapter includes
8 7 a joint stock association, a limited liability company, a
8 8 partnership, or a trust.
8 9 g. The securities, real estate, and mortgages described in
8 10 this section include participations, which means instruments
8 11 evidencing partial or undivided collective interests in such
8 12 securities, real estate, and mortgages.
8 13 Sec. 8. Section 511.8, subsection 8, Code Supplement 2009,
8 14 is amended by adding the following new paragraph:
8 15 NEW PARAGRAPH. d. In addition to the restrictions contained
8 16 in paragraphs "a" and "b", the investments of any company
8 17 or association in securities included under subsection 5,
8 18 paragraph "c", are not eligible in excess of two percent of the
8 19 legal reserve, but not more than one-eighth of one percent of
8 20 the legal reserve shall be invested in the securities of any
8 21 one corporation.
8 22 Sec. 9. Section 511.8, subsection 16, Code Supplement 2009,
8 23 is amended to read as follows:
8 24 16. Deposit of securities.
8 25 a. Securities in an amount not less than the legal reserve
8 26 as defined in this section shall be deposited and the deposit
8 27 maintained with the commissioner of insurance or at such places
8 28 as the commissioner may designate as will properly safeguard
8 29 them. There may be included in the deposit an amount of cash
8 30 on hand not in excess of five percent of the deposit required,
8 31 that deposit to be evidenced by a certified check, certificate
8 32 of deposit, or other evidence satisfactory to the commissioner
8 33 of insurance. Deposits of securities may be made in excess
8 34 of the amounts required by this section. A stock company
8 35 organized under the laws of this state shall not be required to



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9 1 make a deposit until the legal reserve, as ascertained by the
9 2 commissioner, exceeds the amount deposited by it as capital.
9 3 Real estate may be made a part of the deposit by furnishing
9 4 evidence of ownership satisfactory to the commissioner and
9 5 by conveying the real estate to the commissioner or the
9 6 commissioner's successors in office by warranty deed. The
9 7 commissioner and the successors in office shall hold the real
9 8 estate in trust for the benefit of the policyholders of the
9 9 company or members of the association. Real estate mortgage
9 10 loans and policy loans may be made a part of the deposit by
9 11 filing a verified statement of the loans with the commissioner,
9 12 which statement is subject to check at the discretion of the
9 13 commissioner.

9 14 b. The securities comprising the deposit of a company
9 15 or association against which proceedings are pending under
9 16 section 508.18 shall vest in the state for the benefit of all
9 17 policyholders of the company or association.

9 18 c. Securities or title to real estate on deposit may be
9 19 withdrawn at any time and other eligible securities may be
9 20 substituted, provided the amount maintained on deposit is
9 21 equal to the sum of the legal reserve and twenty-five thousand
9 22 dollars. In the case of real estate the commissioner shall
9 23 execute and deliver to the company or association a quitclaim
9 24 deed to the real estate. Any company or association shall,
9 25 if requested by the commissioner, at the time of withdrawing
9 26 any securities on deposit, designate for what purpose the
9 27 ~~same~~ securities are being withdrawn.

9 28 d. Companies or associations having securities or title
9 29 to real estate on deposit with the commissioner of insurance
9 30 shall have the right to collect all dividends, interest, rent,
9 31 or other income from the deposit unless proceedings against
9 32 the company or association are pending under section 508.18,
9 33 in which event the commissioner shall collect such interest,
9 34 dividends, rent, or other income and add the same to the
9 35 deposit.



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10 1 e. Any company or association receiving payments or partial
10 2 payments of principal on any securities deposited with the
10 3 commissioner of insurance shall notify the commissioner of such
10 4 fact at such times and in such manner as the commissioner may
10 5 prescribe, giving the amount and date of payment.

10 6 f. The commissioner of insurance may receive on deposit
10 7 securities or title to real estate of alien companies
10 8 authorized to do business in the state of Iowa, for the purpose
10 9 of securing its policyholders in the state of Iowa and the
10 10 United States. The provisions hereof of this subsection not
10 11 inconsistent with the deposit agreement shall apply to the
10 12 deposits of such alien companies.

10 13 g. Common stocks or shares issued by any federal home
10 14 loan bank eligible for inclusion in the legal reserve under
10 15 subsection 18, paragraph "c", may be made a part of a deposit
10 16 by filing a verified statement of the common stocks or shares
10 17 issued by a federal home loan bank that are held in the legal
10 18 reserve. Attached to the statement shall be the annual capital
10 19 stock statement of the respective federal home loan bank
10 20 showing membership stock balance and activity-based stock
10 21 balance.

10 22 Sec. 10. Section 511.8, subsection 23, paragraphs c and e,
10 23 Code Supplement 2009, are amended to read as follows:

10 24 c. If the loan is collateralized by cash or cash
10 25 equivalents, the cash or cash equivalent collateral may be
10 26 reinvested by the life insurance company or association in
10 27 either class one money market funds as defined in subsection
10 28 24, individual securities which are eligible for inclusion
10 29 in the legal reserve of the life insurance company or
10 30 association, or in repurchase agreements fully collateralized
10 31 by such securities if the life insurance company or association
10 32 takes delivery of the collateral either directly or through an
10 33 authorized custodian or pooled fund comprised of individual
10 34 securities which are eligible for inclusion in the legal
10 35 reserve of the life insurance company or association. If such



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11 1 reinvestment is made in individual securities or in repurchase
11 2 agreements, the individual securities or the securities which
11 3 collateralize the repurchase agreements shall mature in less
11 4 than two hundred seventy days. If such reinvestment is made
11 5 in a pooled fund, the average maturity of the securities
11 6 comprising such pooled fund must be ~~less than two hundred~~
~~11 7 seventy one hundred eighty days or less and the individual~~
11 8 maturities of the securities comprising such pooled fund
11 9 must be three hundred ninety-seven days or less. Individual
11 10 securities and securities comprising the pooled fund shall be
11 11 investment grade. As used in this paragraph, "maturity" means
11 12 the earlier of the fixed date on which the holder of the
11 13 security is unconditionally entitled to receive principal
11 14 and interest in full or the date on which the holder of the
11 15 security is unconditionally entitled upon demand to receive
11 16 principal and interest in full.

11 17 e. Securities loaned pursuant to this subsection
11 18 are not eligible for inclusion in the legal reserve of
11 19 the life insurance company or association in excess of
11 20 ~~twenty ten~~ percent of the legal reserve.

11 21 Sec. 11. Section 511.8, subsection 23, Code Supplement
11 22 2009, is amended by adding the following new paragraph:

11 23 NEW PARAGRAPH. f. A life insurance company or association
11 24 may continue to hold in the legal reserve of the life insurance
11 25 company or association securities which are the subject of a
11 26 reverse repurchase agreement. If such securities are held in
11 27 the legal reserve of a life insurance company or association,
11 28 the securities shall be subject to the limitations of paragraph
11 29 "e" as if they were securities loaned pursuant to this
11 30 subsection.

11 31 Sec. 12. Section 514J.7, subsection 2, Code 2009, is amended
11 32 to read as follows:

11 33 2. The independent review entity, within three business
11 34 days of receipt of the notice, shall select a person to perform
11 35 the external review and shall provide notice to the enrollee



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12 1 and the carrier containing a brief description of the person
12 2 including the reasons the person selected is an expert in
12 3 the treatment of the medical condition under review. The
12 4 independent review entity ~~does not need to~~ shall, upon request
12 5 from the enrollee or the enrollee's treating health care
12 6 provider, disclose the name of the person. A copy of the
12 7 notice shall be sent by facsimile to the commissioner. If the
12 8 independent review entity does not have a person who is an
12 9 expert in the treatment of the medical condition under review
12 10 and certified by the commissioner to conduct an independent
12 11 review, the independent review entity may either decline the
12 12 review request or may request from the commissioner additional
12 13 time to have such an expert certified. The independent review
12 14 entity shall notify the commissioner by facsimile of its choice
12 15 between these options within three business days of receipt of
12 16 the notice from the carrier or organized delivery system. The
12 17 commissioner shall provide a notice to the enrollee and carrier
12 18 or organized delivery system of the independent review entity's
12 19 decision and of the commissioner's decision as to how to
12 20 proceed with the external review process within three business
12 21 days of receipt of the independent review entity's decision.
12 22 Sec. 13. Section 515.125, subsection 1, Code 2009, is
12 23 amended to read as follows:
12 24 1. Unless otherwise provided in section 515.127, ~~or~~
12 25 515.128, 515.129A, 515.129B, or 515.129C, a policy or contract
12 26 of insurance provided for in this chapter shall not be
12 27 forfeited, suspended, or canceled except by notice to the
12 28 insured as provided in this chapter. A notice of cancellation
12 29 is not effective unless mailed or delivered by the insurer to
12 30 the named insured at least thirty days before the effective
12 31 date of cancellation, or, where cancellation is for nonpayment
12 32 of a premium, assessment, or installment provided for in the
12 33 policy, or in a note or contract for the payment thereof, at
12 34 least ten days prior to the date of cancellation. The notice
12 35 may be made in person, or by sending by mail a letter addressed



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13 1 to the insured at the insured's address as given in or upon
13 2 the policy, anything in the policy, application, or a separate
13 3 agreement to the contrary notwithstanding.
13 4 Sec. 14. NEW SECTION. 515.129A Cancellation of personal
13 5 lines policies or contracts.
13 6 1. A personal lines policy or contract of insurance which
13 7 has been in effect for more than sixty days shall not be
13 8 canceled except by notice to the insured as provided in this
13 9 chapter.
13 10 2. Notice of cancellation of a personal lines policy or
13 11 contract of insurance is not effective unless the cancellation
13 12 is based on one or more of the following reasons:
13 13 a. Nonpayment of premium.
13 14 b. Failure to pay dues or fees where payment of dues or fees
13 15 is a prerequisite to obtaining or continuing insurance coverage
13 16 in force.
13 17 c. Discovery of fraud or material misrepresentation made
13 18 by or with the knowledge of the named insured in obtaining,
13 19 continuing, or presenting a claim under the policy.
13 20 d. Actions by the insured which substantially change or
13 21 increase the risk insured.
13 22 e. The insured has acted in a manner which the insured knew
13 23 or should have known was in violation or breach of a term or
13 24 condition of the insurance policy or contract.
13 25 f. The occurrence of a change in the risk that substantially
13 26 increases a hazard insured against after insurance coverage has
13 27 been issued or renewed.
13 28 Sec. 15. NEW SECTION. 515.129B Nonrenewal of personal lines
13 29 policies or contracts.
13 30 1. An insurer shall not refuse to renew a personal lines
13 31 policy or contract of insurance unless at least thirty days
13 32 before the end of the policy or contract period the insurer
13 33 delivers or mails to the first named insured, at the last known
13 34 address of the first named insured, written notice of the
13 35 insurer's intention not to renew the policy or contract upon



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14 1 expiration of the current policy or contract period as provided
14 2 in section 515.129C.
14 3 2. The notice of intention not to renew shall include or be
14 4 accompanied by a written explanation of the insurer's specific
14 5 reason or reasons for the nonrenewal.
14 6 Sec. 16. NEW SECTION. 515.129C Notice of renewal or
14 7 nonrenewal of personal lines policies of contracts.
14 8 1. At least thirty days before the end of the policy or
14 9 contract term, an insurer shall mail or deliver to the last
14 10 known address of the first named insured a renewal policy or
14 11 contract, an offer to renew the current policy or contract, or
14 12 a notice of nonrenewal of the policy or contract. Information
14 13 concerning the renewal policy or contract, the offer to
14 14 renew the policy or contract, or the notice of nonrenewal of
14 15 the policy or contract shall also be mailed, delivered, or
14 16 transmitted electronically to the last known address of the
14 17 producer of record of the policy or contract. Proof of such
14 18 mailing or delivery to the first named insured's last known
14 19 address shall be maintained by the insurer.
14 20 a. An offer to renew the policy or contract shall state
14 21 the renewal premium and the date that the premium is due. The
14 22 renewal premium shall be based on the known exposure as of the
14 23 date of the offer to renew.
14 24 b. If the renewal premium is not received by the due date
14 25 or the policy or contract expiration date, whichever is later,
14 26 the policy or contract lapses.
14 27 2. If an insurer fails to comply with the notice
14 28 requirements of this section, the policy or contract shall be
14 29 extended on the same terms and conditions for another policy or
14 30 contract term or until the effective date of similar insurance
14 31 procured by the insured, whichever is earlier. The insurer may
14 32 make continued coverage contingent upon the payment of premium.
14 33 3. Renewal of a policy or contract does not constitute a
14 34 waiver or estoppel with respect to grounds for cancellation
14 35 that existed before the effective date of the renewal.



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15 1 Sec. 17. Section 515C.5, Code 2009, is amended to read as
15 2 follows:
15 3 515C.5 Limit of outstanding liability.
15 4 1. Unless a request to suspend the requirements of
15 5 this section is granted by the commissioner as set forth in
15 6 subsection 2, a mortgage guaranty insurer shall not at any time
15 7 have outstanding a total liability, net of reinsurance, in
15 8 excess of twenty-five times its capital, unassigned funds and
15 9 contingency reserve. ~~It~~ A mortgage guaranty insurer shall not
15 10 insure loans secured by properties in a single housing tract or
15 11 in a contiguous tract (not which is not separated by more than
15 12 one-half mile) mile in excess of ten percent of its capital,
15 13 unassigned funds, and contingency reserve. Coverage may be
15 14 provided only if the properties in such tract are residential
15 15 buildings, buildings designed for occupancy by not more than
15 16 four families, or owner-occupied mobile homes.
15 17 2. Upon request of a mortgage guaranty insurer, the
15 18 commissioner may suspend the requirements contained in
15 19 subsection 1 for such time and under such conditions as the
15 20 commissioner may order. The commissioner may adopt rules as
15 21 necessary relating to the consideration of such requests for
15 22 suspension of those requirements.
15 23 Sec. 18. Section 523A.102, Code 2009, is amended by adding
15 24 the following new subsections:
15 25 NEW SUBSECTION. 16A. "Irrevocable purchase agreement" means
15 26 a purchase agreement that does not allow a distribution of
15 27 trust assets, including insurance or annuity proceeds, to the
15 28 purchaser or beneficiary prior to the death of the beneficiary,
15 29 other than the ability of the purchaser to direct the transfer
15 30 of the trust assets to another licensed seller.
15 31 NEW SUBSECTION. 25A. "Revocable purchase agreement" means
15 32 a purchase agreement that allows the purchaser to cancel the
15 33 purchase agreement and direct a distribution or refund of the
15 34 trust assets.



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16 1 Sec. 19. Section 523A.204, subsection 4, Code Supplement
16 2 2009, is amended to read as follows:

16 3 4. The commissioner shall levy an administrative penalty
16 4 in the amount of up to five hundred dollars against a preneed
16 5 seller that fails to file the annual report when due, payable
16 6 to the state for deposit as provided in section 505.7.

16 7 However, the commissioner may waive the administrative penalty
16 8 upon a showing of good cause or financial hardship.

16 9 Sec. 20. Section 523A.207, Code 2009, is amended to read as
16 10 follows:

16 11 523A.207 Audits by certified public accountants.

16 12 1. A purchase agreement shall not be sold or transferred,
16 13 as part of the sale of a business or the assets of a business,
16 14 until an audit has been performed by a certified public
16 15 accountant and filed with the commissioner that expresses the
16 16 auditor's opinion of the adequacy of funding related to the
16 17 purchase agreements to be sold or transferred.

16 18 2. If the person selling or transferring a purchase
16 19 agreement fails to comply with the requirements of subsection
16 20 1, the obligation to file an audit report shall be shared by
16 21 any preneed seller who assumes the obligations of the purchase
16 22 agreement. In addition, the person selling or transferring the
16 23 purchase agreement shall remain jointly and severally liable
16 24 to perform the terms of the purchase agreement until the audit
16 25 report is received by the commissioner.

16 26 Sec. 21. Section 523A.401, subsection 5, paragraph a, Code
16 27 2009, is amended to read as follows:

16 28 a. ~~Except as necessary and appropriate to satisfy the~~
~~16 29 requirements regarding burial trust funds under Title XIX of~~
~~16 30 the federal Social Security Act, the~~ The policy shall not
16 31 be owned by the seller, the policy shall not be irrevocably
16 32 assigned to the seller, and the assignment of proceeds from the
16 33 insurance policy to the seller shall be limited to the seller's
16 34 interests as they appear in the purchase agreement, and
16 35 conditioned on the seller's delivery of cemetery merchandise,



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17 1 funeral merchandise, and funeral services pursuant to a
17 2 purchase agreement.

17 3 Sec. 22. Section 523A.401, Code 2009, is amended by adding
17 4 the following new subsection:

17 5 NEW SUBSECTION. 9. The commissioner, by rule, may require
17 6 written trust agreements and establish terms and conditions for
17 7 trusts holding insurance policies. The seller or any officer,
17 8 director, agent, employee, or affiliate of the seller shall not
17 9 serve as a trustee. The commissioner may require amendments to
17 10 a trust agreement that is not in accord with the provisions of
17 11 this chapter or rules adopted under this chapter.

17 12 Sec. 23. Section 523A.402, subsection 5, paragraph a, Code
17 13 2009, is amended to read as follows:

17 14 a. ~~Except as necessary and appropriate to satisfy the~~
~~17 15 requirements regarding burial trust funds under Title XIX of~~
~~17 16 the federal Social Security Act, the~~ The annuity shall not be
17 17 owned by the seller or irrevocably assigned to the seller and
17 18 any designation of the seller as a beneficiary shall not be
17 19 made irrevocable.

17 20 Sec. 24. Section 523A.402, Code 2009, is amended by adding
17 21 the following new subsection:

17 22 NEW SUBSECTION. 9. The commissioner, by rule, may require
17 23 written trust agreements and establish terms and conditions for
17 24 trusts holding annuities. The seller or any officer, director,
17 25 agent, employee, or affiliate of the seller shall not serve as
17 26 a trustee. The commissioner may require amendments to a trust
17 27 agreement that is not in accord with the provisions of this
17 28 chapter or rules adopted under this chapter.

17 29 Sec. 25. Section 523A.502A, subsection 3, Code Supplement
17 30 2009, is amended to read as follows:

17 31 3. The commissioner shall levy an administrative penalty
17 32 in the amount of up to five hundred dollars against a sales
17 33 agent who fails to file an annual report when due, payable to
17 34 the state for deposit as provided in section 505.7. However,
17 35 the commissioner may waive the administrative penalty upon a



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18 1 showing of good cause or financial hardship.

18 2 Sec. 26. Section 523A.601, subsection 1, paragraph b, Code
18 3 2009, is amended to read as follows:

18 4 b. Specify the cemetery merchandise, funeral merchandise,
18 5 funeral services, or a combination thereof to be provided, and
18 6 the cost of each merchandise item or service, if selected.

18 7 Sec. 27. Section 523A.601, subsection 1, paragraphs f and g,
18 8 Code 2009, are amended to read as follows:

18 9 f. ~~State~~ Unless the purchaser or beneficiary is receiving or
18 10 has applied to receive Medicaid or supplemental security income
18 11 benefits, state that the purchase of the cemetery merchandise,
18 12 funeral merchandise, and funeral services is revocable and
18 13 ~~specify the damages for cancellation, if any.~~ The purchase
18 14 agreement may provide that if the purchaser or beneficiary is
18 15 receiving or has applied to receive Medicaid or supplemental
18 16 security income benefits, the purchase agreement may be an
18 17 irrevocable purchase agreement, subject to the requirements of
18 18 section 523A.602, subsection 4.

18 19 g. State clearly who has the authority to cancel, amend, or
18 20 revoke the purchase agreement to purchase cemetery merchandise,
18 21 funeral merchandise, and funeral services and specify the
18 22 penalties for cancellation, if any.

18 23 Sec. 28. Section 523A.602, subsection 3, Code 2009, is
18 24 amended to read as follows:

18 25 3. This section does not prohibit a purchaser who is
18 26 ~~or may become eligible for receiving or has applied to~~
18 27 receive benefits under Title Tit. XIX of the federal Social
18 28 Security Act from making a ~~guaranteed price~~ purchase agreement
18 29 irrevocable, subject to the requirements of subsection 4, to
18 30 the extent that federal law or regulations require that such
18 31 an agreement be irrevocable for purposes of a purchaser's
18 32 eligibility for benefits under Title Tit. XIX of the federal
18 33 Social Security Act, as permitted under federal law. The
18 34 seller of credit sale agreements shall comply with the
18 35 requirements of chapter 537, the Iowa consumer credit code,



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19 1 and is subject to the remedies and penalties provided in that
19 2 chapter for noncompliance.
19 3 Sec. 29. Section 523A.602, Code 2009, is amended by adding
19 4 the following new subsection:
19 5 NEW SUBSECTION. 4. An irrevocable purchase agreement is
19 6 subject to the following restrictions as a matter of law:
19 7 a. The purchase agreement must include a selection of the
19 8 cemetery merchandise, funeral merchandise, funeral services,
19 9 or a combination thereof to be provided and the cost of each
19 10 merchandise item or service.
19 11 b. A life insurance policy or annuity funding the purchase
19 12 agreement, if any, must be held in trust by the preneed
19 13 seller and titled appropriately pursuant to the purchaser's
19 14 irrevocable assignment of ownership to the trust. The preneed
19 15 seller may be named a nominal owner of the life insurance
19 16 policy or annuity only for such time as it takes to immediately
19 17 transfer the policy or annuity into trust.
19 18 c. Any transfer of trust assets must be to another licensed
19 19 preneed seller in connection with an assumption of the existing
19 20 purchase agreement or a new purchase agreement for the same
19 21 selection of cemetery merchandise, funeral merchandise,
19 22 funeral services, or a combination thereof to be provided
19 23 and specifying the cost of each merchandise item or service
19 24 selected.
19 25 Sec. 30. Section 523A.807, subsection 3, unnumbered
19 26 paragraph 1, Code Supplement 2009, is amended to read as
19 27 follows:
19 28 If the commissioner finds that a person has violated section
19 29 523A.201, 523A.202, 523A.203, 523A.207, 523A.401, 523A.402,
19 30 523A.403, 523A.404, 523A.405, 523A.501, ~~or~~ 523A.502, or
19 31 523A.504 or any rule adopted pursuant thereto, the commissioner
19 32 may order any or all of the following:
19 33 Sec. 31. Section 523I.213A, Code 2009, is amended by adding
19 34 the following new subsection:
19 35 NEW SUBSECTION. 7. Notwithstanding chapter 22, the



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20 1 commissioner shall not make information obtained in the course
20 2 of an examination public, except when a duty under this chapter
20 3 requires the commissioner to take action against a cemetery
20 4 or to cooperate with another law enforcement agency, or when
20 5 the commissioner is called as a witness in a civil or criminal
20 6 proceeding.

20 7 EXPLANATION

20 8 This bill relates to various matters under the purview of the
20 9 insurance division of the department of commerce.

20 10 IOWA GRAIN INDEMNITY BOARD. Code section 203D.4(1) is
20 11 amended to remove the commissioner of insurance or a designee
20 12 as a member of the Iowa grain indemnity fund board.

20 13 UNIFORM SECURITIES ACT. Code section 502.305(2) is amended
20 14 to allow the administrator of the Iowa uniform securities
20 15 Act to adopt rules that require certain filings to be made
20 16 electronically either with the administrator or a designee of
20 17 the administrator and that require filers to submit filings and
20 18 pay processing fees to such a designee.

20 19 EXAMINATION OF INSURANCE COMPANIES. Code section 507.4(2)
20 20 is amended to allow the commissioner of insurance to employ
20 21 insurance examiners who are exempt from the state merit system
20 22 and to pay those examiners pursuant to a pay plan that is
20 23 substantially equivalent to that used for bank examiners. A
20 24 coordinating amendment is made to Code section 20.4 exempting
20 25 such insurance examiners from the state merit system.

20 26 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. New Code
20 27 section 508.33A authorizes Iowa life insurance companies to
20 28 organize wholly owned limited purpose subsidiary life insurance
20 29 companies to reinsure the risks of the organizing company and
20 30 its affiliated companies. Before assuming any risks under a
20 31 reinsurance contract, a new limited purpose subsidiary life
20 32 insurance company must submit and receive approval of its
20 33 plan of operation from the commissioner. The commissioner
20 34 is required to adopt rules to regulate such limited purpose
20 35 insurers and no limited purpose insurer can be organized prior



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21 1 to the effective date of such rules.

21 2 Code section 511.8(5) is amended to allow life insurance
21 3 companies to invest in certain securities that are rated three
21 4 for legal reserve purposes. New Code section 511.8(8)(d) is
21 5 a coordinating amendment that provides that such securities
21 6 are not eligible investments in excess of 2 percent of the
21 7 legal reserve and not more than one-eighth of 1 percent of the
21 8 legal reserve can be invested in the securities of any one
21 9 corporation.

21 10 Code section 511.8(16) is amended to provide that common
21 11 stocks or shares issued by any federal home loan bank that
21 12 are eligible common stocks or shares for inclusion in a
21 13 life insurance company's legal reserve may be deposited as
21 14 securities with the commissioner.

21 15 Code section 511.8(23)(c) and (e) are amended to provide
21 16 that if a security loan made by a life insurance company to a
21 17 specified entity is collateralized by cash, the insurer may
21 18 reinvest the cash in class one money market funds, among other
21 19 things. If such reinvestments are made in a pooled fund,
21 20 the average maturity of the securities in the pooled fund
21 21 must be 180 days or less and the individual maturities of the
21 22 securities must be 397 days or less. "Maturity" is defined
21 23 to mean the earlier of the fixed date on which the holder of
21 24 the security is unconditionally entitled to receive principal
21 25 and interest in full or the date on which the holder of the
21 26 security is unconditionally entitled upon demand to receive
21 27 principal and interest in full. Such securities loaned in
21 28 this manner cannot be included in the legal reserve of a life
21 29 insurance company in excess of 10, formerly 20, percent of the
21 30 legal reserve.

21 31 New Code section 511.8(23)(f) is added to allow a life
21 32 insurance company or association to hold securities which are
21 33 the subject of a reverse repurchase agreement in its legal
21 34 reserve, subject to the limitation that such securities are
21 35 treated as securities loaned and cannot be included in legal



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22 1 reserve in excess of 10 percent of the reserve.
22 2 EXTERNAL REVIEW OF HEALTH CARE COVERAGE DECISIONS. Code
22 3 section 514J.7(2) is amended to provide that an enrollee or a
22 4 treating health care provider who seeks external review of a
22 5 health care coverage decision is entitled to be told the name
22 6 of the expert person selected to perform the external review.
22 7 INSURANCE OTHER THAN LIFE. Code section 515.125(1) is
22 8 amended to except new provisions in the bill pertaining
22 9 to personal lines insurance policies or contracts from the
22 10 forfeiture and notice requirements of this section.
22 11 New Code section 515.129A provides that personal lines
22 12 policies or contracts of insurance that have been in effect for
22 13 more than 60 days cannot be canceled without notice and that
22 14 such notice is not effective unless it is based on one or more
22 15 of the specified reasons.
22 16 New Code section 515.129B provides that an insurer cannot
22 17 refuse to renew a personal lines policy or contract of
22 18 insurance unless at least 30 days before the end date of the
22 19 policy or contract the insurer delivers or mails written notice
22 20 to the first named insured at the insured's last known address,
22 21 of the insurer's intention not to renew accompanied by an
22 22 explanation of the specific reason for the nonrenewal.
22 23 New Code section 515.129C sets forth requirements for the
22 24 notice to an insured of the renewal or nonrenewal of personal
22 25 lines policies or contracts. Such notice must be mailed or
22 26 delivered to the first named insured at least 30 days prior to
22 27 the end of the policy or contract term and must also be mailed,
22 28 delivered, or electronically transmitted to the producer of
22 29 record of the policy or contract. An offer to renew shall
22 30 state the amount and due date of the premium. If the renewal
22 31 premium is not received by the due date or the policy or
22 32 contract expiration date, whichever is later, the policy or
22 33 contract lapses. If an insurer fails to comply with these
22 34 notice requirements, the policy or contract is extended on
22 35 the same terms and conditions for another policy or contract



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23 1 term or until the effective date that similar insurance is
23 2 procured by the insured, whichever is earlier. Renewal of a
23 3 policy or contract under this Code section does not constitute
23 4 an estoppel or waiver with respect to grounds for cancellation
23 5 that existed prior to the effective date of the renewal.

23 6 MORTGAGE GUARANTY INSURANCE. Code section 515C.5 is
23 7 amended to allow the commissioner to suspend the requirements
23 8 concerning the amount of outstanding liability that a mortgage
23 9 guaranty insurer may have upon request of the insurer for
23 10 such time and under such conditions as the commissioner may
23 11 order. The commissioner may adopt rules as necessary relating
23 12 to the consideration of such requests for suspension of those
23 13 requirements.

23 14 CEMETERY AND FUNERAL MERCHANDISE, AND FUNERAL SERVICES.
23 15 Code section 523A.102 is amended to add definitions of
23 16 irrevocable and revocable purchase agreements to furnish
23 17 cemetery and funeral merchandise, and funeral services, or a
23 18 combination thereof.

23 19 Code section 523A.204(4) is amended to give the commissioner
23 20 the discretion to levy an administrative penalty in an amount
23 21 up to \$500 against a preneed seller who fails to file an annual
23 22 report when due. A corresponding change to Code section
23 23 523A.502A allows the commissioner such discretion when levying
23 24 a penalty against a sales agent who fails to file a report when
23 25 due.

23 26 Code section 523A.207 is amended to provide that if a
23 27 person selling or transferring a purchase agreement fails to
23 28 comply with the obligation to file an audit report with the
23 29 commissioner prior to the sale or transfer, that obligation is
23 30 shared by any preneed seller that assumes the obligations of
23 31 the purchase agreement. In addition, the seller or transferor
23 32 of the purchase agreement remains jointly and severally liable
23 33 to perform the terms of the purchase agreement until the audit
23 34 report is received by the commissioner.

23 35 Code section 523A.401(5) is amended to provide that when a



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24 1 purchase agreement is funded by insurance policy proceeds, the
24 2 insurance policy shall not be owned by the seller and to delete
24 3 an exception to this requirement related to social security
24 4 requirements pertaining to burial trust funds. A corresponding
24 5 change is made to Code section 523A.402(5)(a) to provide
24 6 that when a purchase agreement is funded by annuity proceeds
24 7 the annuity shall not be owned by the seller and to delete a
24 8 similar exception in relation to social security requirements.
24 9 Code section 523A.401(9) is added to allow the commissioner to
24 10 adopt rules to require written trust agreements and establish
24 11 terms and conditions for trusts holding insurance policies that
24 12 fund purchase agreements. Code section 523A.402(9) is added to
24 13 allow the adoption of similar rules as to annuities that fund
24 14 purchase agreements.

24 15 Code section 523A.601 is amended to allow disclosures
24 16 concerning purchase agreements to include information that
24 17 tells purchasers or beneficiaries that the agreement may be
24 18 made irrevocable if the purchaser or beneficiary is receiving
24 19 or has applied to receive Medicaid or supplemental security
24 20 income benefits. This language corresponds to the changes made
24 21 in Code section 523A.602(3).

24 22 Code section 523A.602(4) is added to specify the
24 23 restrictions applicable to an irrevocable purchase agreement.
24 24 Such a purchase agreement must specify the merchandise and
24 25 services selected and the cost of each; a life insurance
24 26 policy or annuity funding the agreement must be held in trust
24 27 by the preneed seller; and any transfer of trust assets must
24 28 be to another licensed preneed seller in connection with an
24 29 assumption of the existing purchase agreement or a new purchase
24 30 agreement for the same selection of merchandise and services
24 31 and specifying the cost.

24 32 Code section 523A.807(3) relating to penalties for
24 33 violations of specific sections of Code chapter 523A is amended
24 34 to apply to violations of Code sections 523A.203 (qualification
24 35 and investment requirements of financial institution trustees);



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25 1 523A.207 (performance of audits prior to sale of purchase
25 2 agreements); and 523A.504 (appointment of sales agents and
25 3 payment of fees). A violation of one of these sections may
25 4 result in civil penalties and orders prohibiting sales pursuant
25 5 to Code chapter 523A.

25 6 CEMETERY REGULATION. Code section 523I.213A(7) is added
25 7 to provide that notwithstanding Iowa's open records law,
25 8 the commissioner shall not make information obtained in the
25 9 course of an examination of a cemetery public except under
25 10 the specified circumstances. A corresponding change is
25 11 made by adding Code section 20.7(65), which states that such
25 12 information is not a public record.

LSB 5409XD (11) 83

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House Study Bill 581

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF WORKFORCE
DEVELOPMENT BILL)

A BILL FOR

1 An Act relating to employment practices and public safety
2 programs administered by the division of labor services of
3 the department of workforce development.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 88.5, subsection 1, Code 2009, is amended
1 2 by striking the subsection and inserting in lieu thereof the
1 3 following:

1 4 1. Promulgation of rules. The commissioner shall, by rule,
1 5 promulgate standards as needed to conform state occupational
1 6 safety and health standards to federal occupational safety and
1 7 health standards. The commissioner shall follow the rulemaking
1 8 procedures of chapter 17A, and shall file a notice of intended
1 9 action within ninety days of federal publication of a new,
1 10 amended, or revoked federal standard.

1 11 Sec. 2. Section 88.19, Code 2009, is amended to read as
1 12 follows:

1 13 88.19 Annual report.

1 14 Within one hundred twenty days following the convening
1 15 of each session of each general assembly, the commissioner
1 16 shall prepare and submit to the governor for transmittal to
1 17 the general assembly a report upon the subject matter of
1 18 this chapter, the progress toward achievement of the purpose
1 19 of this chapter, the needs and requirements in the field
1 20 of occupational safety and health, and any other relevant
1 21 information. Such reports may include information regarding
1 22 occupational safety and health standards, and criteria for such
1 23 standards, developed during the preceding year; evaluation of
1 24 standards and criteria previously developed under this chapter,
1 25 defining areas of emphasis for new criteria and standards;
1 26 and evaluation of the degree of observance of applicable
1 27 occupational safety and health standards, and a summary of
1 28 inspection and enforcement activity undertaken, ~~including~~
~~1 29 remedial actions taken under chapter 89A;~~ analysis and
1 30 evaluation of research activities for which results have been
1 31 obtained under governmental and nongovernmental sponsorship;
1 32 an analysis of major occupational diseases; evaluation of
1 33 available control and measurement technology for hazards for
1 34 which standards or criteria have been developed during the
1 35 preceding year; description of cooperative efforts undertaken



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2 1 between government agencies and other interested parties in
2 2 the implementation of this chapter during the preceding year;
2 3 a progress report on the development of an adequate supply
2 4 of trained personnel in the field of occupational safety and
2 5 health, including estimates of future needs and the efforts
2 6 being made by government and others to meet those needs;
2 7 listing of all toxic substances in industrial usage for which
2 8 labeling requirements, criteria, or standards have not yet
2 9 been established; and such recommendations for additional
2 10 legislation as are deemed necessary to protect the safety and
2 11 health of the worker and improve the administration of this
2 12 chapter.

2 13 Sec. 3. Section 89.3, subsection 9, Code Supplement 2009,
2 14 is amended by striking the subsection and inserting in lieu
2 15 thereof the following:

2 16 9. An internal inspection shall not be required on an
2 17 unfired steam pressure vessel that was manufactured without an
2 18 inspection opening.

2 19 Sec. 4. Section 89.4, subsection 3, Code 2009, is amended by
2 20 striking the subsection.

2 21 Sec. 5. Section 89.6, Code 2009, is amended to read as
2 22 follows:

2 23 89.6 ~~New boilers == notice~~ Notice to commissioner.

2 24 1. Before any equipment included under the provisions
2 25 of this chapter is installed by any owner, user, or lessee
2 26 thereof, a ten days' written notice of intention to install the
2 27 equipment shall be given to the commissioner. The notice shall
2 28 designate the proposed place of installation, the type and
2 29 capacity of the equipment, the use to be made thereof, the name
2 30 of the company which manufactured the equipment, and whether
2 31 the equipment is new or used.

2 32 2. Before any power boiler is converted to a low pressure
2 33 boiler, the owner or user shall give ten days' written notice
2 34 of intent to convert the boiler to the commissioner. The
2 35 notice shall designate the boiler location, the uses of the



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3 1 building, and other information specified by rule by the board.

3 2 Sec. 6. Section 89.14, Code Supplement 2009, is amended by
3 3 adding the following new subsection:

3 4 NEW SUBSECTION. 9. The board may adopt rules governing the
3 5 conversion of power boilers to low pressure boilers.

3 6 Sec. 7. Section 91.4, subsection 5, Code 2009, is amended
3 7 to read as follows:

3 8 5. The director of the department of workforce development,
3 9 in consultation with the labor commissioner, shall, at the
3 10 time provided by law, make an annual report to the governor
3 11 setting forth in appropriate form the business and expense of
3 12 the division of labor services for the preceding year, the
3 13 number of remedial actions taken under chapter 89A, the number
3 14 of disputes or violations processed by the division and the
3 15 disposition of the disputes or violations, and other matters
3 16 pertaining to the division which are of public interest,
3 17 together with recommendations for change or amendment of the
3 18 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
3 19 90A, 91A, 91C, 91D, 91E, 92, and 94A, and section 85.68,
3 20 and the recommendations, if any, shall be transmitted by the
3 21 governor to the first general assembly in session after the
3 22 report is filed.

3 23 Sec. 8. Section 92.2, subsection 2, Code 2009, is amended by
3 24 striking the subsection.

3 25 Sec. 9. Section 92.10, unnumbered paragraph 1, Code 2009,
3 26 is amended to read as follows:

3 27 ~~Except as provided in section 92.2, a~~ A person under sixteen
3 28 years of age shall not be employed or permitted to work with or
3 29 without compensation unless the person, firm, or corporation
3 30 employing such person receives and keeps on file accessible
3 31 to any officer charged with the enforcement of this chapter,
3 32 a work permit issued as provided in this chapter, and keeps a
3 33 complete list of the names and ages of all such persons under
3 34 sixteen years of age employed.



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4 1 Sec. 10. Section 92.12, Code 2009, is amended to read as
4 2 follows:

4 3 92.12 Migrant labor permits.

4 4 1. Every person, firm, or corporation employing migrant
4 5 laborers shall obtain and keep on file, accessible to any
4 6 officer charged with the enforcement of this chapter, a
4 7 ~~special~~ work permit, prior to the employment of such migratory
4 8 laborer.

4 9 2. ~~Special work~~ Work permits for migrant workers
4 10 shall be issued by the superintendent of schools, or the
4 11 superintendent's designee, nearest the temporary living
4 12 quarters of the family, ~~or by the county director of social~~
~~4 13 welfare~~ or by the department of workforce development, upon
4 14 application of the parent or head of the migrant family. The
4 15 person authorized to issue such permits for migratory workers
4 16 shall not issue such permit until the person has received,
4 17 examined, and approved ~~one of the following as evidence of~~
~~4 18 age: a birth certificate, passport, baptism certificate, or~~
~~4 19 school record~~ documentation of proof of age as described in
4 20 section 92.11. ~~Applicants under fourteen years of age must~~
~~4 21 obtain a certificate from a registered nurse or physician~~
~~4 22 stating that the applicant for the work permit has reached the~~
~~4 23 normal development of a child of the applicant's age and is in~~
~~4 24 sufficiently sound health and physically able to perform the~~
~~4 25 work for which the permit is sought.~~

4 26 3. One copy of the permit issued shall be given to the
4 27 employer to be kept on file for the length of employment and
4 28 upon termination of employment shall be returned to the labor
4 29 commissioner. One copy of the permit shall be kept by the
4 30 issuing officer, and one copy forwarded to the commissioner,
~~4 31 along with the certificate of fitness of the persons under~~
~~4 32 fourteen years of age.~~ The blank forms for the work permit for
4 33 migratory workers shall be formulated by the commissioner and
4 34 furnished by the commissioner to the issuing officer.



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5 1 EXPLANATION
5 2 This bill affects certain employment practices and safety
5 3 programs administered by the division of labor services of the
5 4 department of workforce development.
5 5 The bill replaces obsolete language in Code section 88.5
5 6 pertaining to adoption of occupational safety and health
5 7 standards with contemporary rulemaking standards.
5 8 The requirement to make an annual report on remedial actions
5 9 taken pursuant to Code chapter 89A is moved from Code chapter
5 10 88 to Code chapter 91.
5 11 The bill strikes a provision in Code section 89.3 concerning
5 12 the conversion of power boilers to low pressure boilers, and
5 13 adopts two new provisions concerning the conversion of power
5 14 boilers to low pressure boilers in order to update standards.
5 15 The bill strikes a provision of Code section 89.4 concerning an
5 16 exemption from internal inspections for unfired steam pressure
5 17 vessels manufactured without an inspection plate, and adopts a
5 18 new provision exempting such vessels from internal inspections
5 19 if they are manufactured without an inspection opening in Code
5 20 section 89.3.
5 21 Code section 92.2(2) is stricken so that there is no longer
5 22 an exception from the labor permit requirement for youth under
5 23 16 who are engaged in street occupations.
5 24 Finally, the language in Code section 92.12 is updated and
5 25 amended to coordinate with Code section 92.11, making the
5 26 requirements for youth migrant labor permits more similar to
5 27 regular youth labor permits.
LSB 5428DP (6) 83
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House Study Bill 582

HOUSE FILE

BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON
ZIRKELBACH)

A BILL FOR

1 An Act providing appropriations to the department of veterans
2 affairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5680HC (3) 83
ec/nh



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House Study Bill 582 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF VETERANS AFFAIRS. There is
 1 2 appropriated from the general fund of the state to the
 1 3 department of veterans affairs for the fiscal year beginning
 1 4 July 1, 2010, and ending June 30, 2011, the following amount,
 1 5 or so much thereof as is necessary, to be used for the purposes
 1 6 designated:

1 7 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION.
 1 8 For salaries, support, maintenance, and miscellaneous
 1 9 purposes, including the war orphans educational assistance fund
 1 10 created in section 35.8:

1 11 \$ 1,067,170

1 12 2. IOWA VETERANS HOME.

1 13 For salaries, support, maintenance, and miscellaneous
 1 14 purposes:

1 15 \$ 11,326,650

1 16 The Iowa veterans home billings involving the department of
 1 17 human services shall be submitted to the department on at least
 1 18 a monthly basis.

1 19 If there is a change in the employer of employees providing
 1 20 services at the Iowa veterans home under a collective
 1 21 bargaining agreement, such employees and the agreement shall
 1 22 be continued by the successor employer as though there had not
 1 23 been a change in employer.

1 24 3. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
 1 25 VETERANS.

1 26 For provision of educational assistance pursuant to section
 1 27 35.9:

1 28 \$ 22,944

1 29 Sec. 2. HOME OWNERSHIP ASSISTANCE PROGRAM. There is
 1 30 appropriated from the rebuild Iowa infrastructure fund to the
 1 31 department of veterans affairs for the fiscal year beginning
 1 32 July 1, 2010, and ending June 30, 2011, the following amount,
 1 33 or so much thereof as is necessary, to be used for the purposes
 1 34 designated:

1 35 For transfer to the Iowa finance authority for the



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2 1 continuation of the home ownership assistance program for
 2 2 persons who are or were eligible members of the armed forces of
 2 3 the United States, pursuant to section 16.54, notwithstanding
 2 4 section 8.57, subsection 6, paragraph "c":
 2 5 \$ 1,600,000
 2 6 Of the funds transferred pursuant to this section, the
 2 7 Iowa finance authority may retain not more than \$20,000 for
 2 8 administrative purposes.

2 9 EXPLANATION

2 10 This bill appropriates moneys from the general fund to the
 2 11 department of veterans affairs for administration, the war
 2 12 orphans educational assistance fund, the Iowa veterans home,
 2 13 and educational assistance for the fiscal year beginning July
 2 14 1, 2010, and ending June 30, 2011. The bill also appropriates
 2 15 moneys from the rebuild Iowa infrastructure fund to the
 2 16 department for transfer to the Iowa finance authority for the
 2 17 home ownership assistance program for military persons for the
 2 18 same fiscal year.

LSB 5680HC (3) 83
 ec/nh



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House Study Bill 583

HOUSE FILE

BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON
ZIRKELBACH)

A BILL FOR

1 An Act providing veterans a paid holiday for veterans day and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5343HC (2) 83
ec/nh



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House Study Bill 583 continued

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1 1 Section 1. NEW SECTION. 91A.5A Paid holiday == Veterans
1 2 Day.
1 3 An employer shall provide each employee who is a veteran, as
1 4 defined in section 35.1, with a paid holiday, or an equivalent
1 5 of eight hours compensation or compensatory time off with pay,
1 6 for Veterans Day, November 11, if the employee would otherwise
1 7 be required to work on that day.

1 8 EXPLANATION

1 9 This bill requires each employer in this state to provide
1 10 each employee who is a veteran with a paid holiday, or
1 11 comparable pay or time off, for Veterans Day, November 11, if
1 12 the employee would otherwise be required to work on that day.
1 13 Any employer who violates the provisions of this new provision
1 14 shall be subject to a civil penalty of not more than \$500 for
1 15 each violation pursuant to Code section 91A.12.

LSB 5343HC (2) 83

ec/nh



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House Study Bill 584

HOUSE FILE

BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON
ZIRKELBACH)

A BILL FOR

1 An Act relating to the waiver of undergraduate tuition and
2 mandatory fees by state postsecondary institutions for
3 persons who served on active duty in the military service of
4 the United States in a designated combat zone or hazardous
5 duty area.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5435HC (3) 83
kh/nh



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House Study Bill 584 continued

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1 1 Section 1. Section 260C.14, subsection 2, Code Supplement
1 2 2009, is amended to read as follows:

1 3 2. Have authority to determine tuition rates for
1 4 instruction.

1 5 a. Tuition for residents of Iowa shall not exceed the
1 6 lowest tuition rate per semester, or the equivalent, charged
1 7 by an institution of higher education under the state board
1 8 of regents for a full-time resident student. However, except
1 9 for students enrolled under section 261E.6, if a local school
1 10 district pays tuition for a resident pupil of high school age,
1 11 the limitation on tuition for residents of Iowa shall not
1 12 apply, the amount of tuition shall be determined by the board
1 13 of directors of the community college with the consent of the
1 14 local school board, and the pupil shall not be included in the
1 15 full-time equivalent enrollment of the community college for
1 16 the purpose of computing general aid to the community college.

1 17 b. Tuition for nonresidents of Iowa shall not be less than
1 18 the marginal cost of instruction of a student attending the
1 19 college. A lower tuition for nonresidents may be permitted
1 20 under a reciprocal tuition agreement between a merged area and
1 21 an educational institution in another state, if the agreement
1 22 is approved by the director.

1 23 c. The board may designate that a portion of the tuition
1 24 moneys collected from students be used for student aid
1 25 purposes.

1 26 d. The board shall waive tuition and mandatory fees for
1 27 persons who served on active duty in the military service of
1 28 the United States in a designated combat zone or hazardous duty
1 29 area on or after September 11, 2001.

1 30 Sec. 2. Section 262.9, Code Supplement 2009, is amended by
1 31 adding the following new subsection:

1 32 NEW SUBSECTION. 36. Waive tuition and mandatory fees for
1 33 persons who served on active duty in the military service of
1 34 the United States in a designated combat zone or hazardous duty
1 35 area on or after September 11, 2001, and who are enrolled as



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2 1 undergraduate students.

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

2 4 EXPLANATION

2 5 This bill directs the boards of directors of the community
2 6 colleges and the state board of regents to waive undergraduate
2 7 tuition and mandatory fees for persons who served on active
2 8 duty in the military service of the United States in a
2 9 designated combat zone or hazardous duty area and who are
2 10 enrolled as undergraduate students.

2 11 The bill may include a state mandate as defined in Code
2 12 section 25B.3. The bill makes inapplicable Code section 25B.2,
2 13 subsection 3, which would relieve a political subdivision from
2 14 complying with a state mandate if funding for the cost of
2 15 the state mandate is not provided or specified. Therefore,
2 16 political subdivisions are required to comply with any state
2 17 mandate included in the bill.

LSB 5435HC (3) 83

kh/nh



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House Study Bill 585

HOUSE FILE

BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON
ZIRKELBACH)

A BILL FOR

1 An Act creating a veterans combat bonus for active duty
2 military service during certain military conflicts, making
3 an appropriation, and providing a penalty and tax exemption.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5675HC (2) 83
ec/nh



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1 1 Section 1. NEW SECTION. 35A.8B Veterans combat bonus ==
1 2 penalty == fund.
1 3 1. For purposes of this section, "eligible military service"
1 4 means any of the following:
1 5 a. Active duty military service at any time from August 24,
1 6 1982, through July 31, 1984, in which the veteran can establish
1 7 service in the conflict in Lebanon or Grenada.
1 8 b. Active duty military service at any time from December
1 9 20, 1989, through January 31, 1990, in which the veteran can
1 10 establish service in the conflict in Panama.
1 11 c. Active duty military service at any time between August
1 12 2, 1990, and November 30, 1995, both dates inclusive, in the
1 13 Persian Gulf Conflict, if the veteran earned a national defense
1 14 service medal for service in the Persian Gulf Conflict or can
1 15 otherwise establish service in the Persian Gulf Conflict during
1 16 that period.
1 17 d. Active duty military service at any time between October
1 18 24, 2001, and ending on the date the president or the Congress
1 19 of the United States declares a cessation of hostilities,
1 20 both dates inclusive, in the Afghanistan Conflict, if the
1 21 veteran earned an Afghanistan Campaign medal for service in the
1 22 Afghanistan Conflict or can otherwise establish service in the
1 23 Afghanistan Conflict during that period.
1 24 e. Active duty military service at any time between March
1 25 19, 2003, and ending on the date the president or the Congress
1 26 of the United States declares a cessation of hostilities, both
1 27 dates inclusive, in the Iraqi Conflict, if the veteran earned
1 28 an Iraq Campaign medal for service in the Iraqi Conflict or can
1 29 otherwise establish service in the Iraqi Conflict during that
1 30 period.
1 31 2. The executive director shall provide for the
1 32 administration of the bonus authorized in this section. The
1 33 department shall adopt rules, pursuant to chapter 17A, as
1 34 necessary to administer this section including but not limited
1 35 to application procedures and procedures for the investigation,



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House Study Bill 585 continued

2 1 approval or disapproval, and payment of claims.
2 2 3. a. A person who served on active duty for not less
2 3 than one hundred twenty days in the armed forces of the United
2 4 States in eligible military service, and who at the time
2 5 of entering into active duty service was a legal resident
2 6 of the state of Iowa, and who had maintained the person's
2 7 residence in this state for a period of at least six months
2 8 immediately before entering into active duty service, and was
2 9 honorably discharged or separated from active duty service,
2 10 or is still in active service in an honorable status, or has
2 11 been retired, or has been furloughed to a reserve, or has been
2 12 placed on inactive status, is entitled to receive from moneys
2 13 appropriated for that purpose the sum of seventeen dollars and
2 14 fifty cents for each month that the person was in eligible
2 15 military service. Maximum compensation for all periods of
2 16 eligible military service shall not exceed a total sum of five
2 17 hundred dollars. Compensation for a fraction of a month shall
2 18 not be considered unless the fraction is sixteen days or more,
2 19 in which case the fraction shall be computed as a full month.
2 20 b. A person is not entitled to compensation pursuant to this
2 21 section for a period of eligible military service if the person
2 22 received a bonus or compensation similar to that provided in
2 23 this section from another state for that period of service.
2 24 c. The surviving unremarried widow or widower, child or
2 25 children, mother, father, or person standing in loco parentis,
2 26 in the order named and none other, of any deceased person,
2 27 shall be paid the compensation that the deceased person would
2 28 be entitled to pursuant to this section, if living. However,
2 29 if any person has died or shall die, or is disabled, from
2 30 service-connected causes incurred during eligible military
2 31 service and in the area from which the person is entitled to
2 32 receive compensation pursuant to this section, the person or
2 33 the first survivor as designated by this paragraph, and in the
2 34 order named, shall be paid five hundred dollars, regardless of
2 35 the length of service.



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3 1 4. A person who knowingly makes a false statement relating
3 2 to a material fact in supporting an application under this
3 3 section is guilty of a serious misdemeanor. A person convicted
3 4 pursuant to this subsection shall forfeit all benefits to which
3 5 the person may have been entitled under this section.

3 6 5. All payments and allowances made under this section shall
3 7 be exempt from taxation, levy, and sale on execution.

3 8 6. The bonus compensation authorized under this section
3 9 shall be paid from moneys appropriated for that purpose.

3 10 7. A veterans combat bonus fund is created in the state
3 11 treasury under the control of the department. The veterans
3 12 combat bonus fund shall consist of all moneys appropriated
3 13 to the fund to pay the bonus compensation authorized in this
3 14 section. Notwithstanding section 12C.7, interest or earnings
3 15 on investments or time deposits of the moneys in the veterans
3 16 combat bonus fund shall be credited to the bonus fund. Section
3 17 8.33 does not apply to moneys appropriated to the veterans
3 18 combat bonus fund.

3 19 Sec. 2. VETERANS COMBAT BONUS FUND APPROPRIATION. There
3 20 is appropriated from the general fund of the state to the
3 21 department of veterans affairs for the fiscal year beginning
3 22 July 1, 2010, and ending June 30, 2011, the following amount,
3 23 or so much thereof as is necessary, to be used for the purpose
3 24 designated:

3 25 For deposit in the veterans combat bonus fund:
3 26 \$ 500,000

EXPLANATION

3 28 This bill creates a veterans combat bonus for persons who
3 29 served on active duty in the United States armed forces during
3 30 the Lebanon or Grenada Conflict, the Panama Conflict, the
3 31 Persian Gulf Conflict, the Afghanistan Conflict, or the Iraqi
3 32 Conflict. Eligible persons may receive \$17.50 for each month
3 33 that the person was on active duty during any of the conflicts
3 34 up to a maximum bonus of \$500. The bonus payments are exempt
3 35 from taxation, levy, and execution. A criminal penalty is



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4 1 provided for submission of a fraudulent application for the
4 2 bonus. The bill also appropriates \$500,000 from the general
4 3 fund of the state for deposit in the veterans combat bonus fund
4 4 for payment of bonuses.

LSB 5675HC (2) 83

ec/nh



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House Study Bill 586

SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

A BILL FOR

1 An Act relating to judicial branch administration, child
2 custody and visitation matters, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5396DP (6) 83
jm/rj



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House Study Bill 586 continued

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1 1 DIVISION I
1 2 COURT RECORDINGS
1 3 Section 1. Section 232.41, Code 2009, is amended to read as
1 4 follows:
1 5 232.41 ~~Reporter~~ Notes or recordings required.
1 6 Stenographic notes or mechanical or electronic recordings
1 7 shall be taken of all court hearings held pursuant to this
1 8 division unless waived by the parties. The child shall not be
1 9 competent to waive the reporting requirement, but waiver may
1 10 be made for the child by the child's counsel or guardian ad
1 11 litem. ~~Matters which must be reported under the provisions of~~
~~1 12 this section shall be reported in the same manner as required~~
~~1 13 in section 624.9.~~
1 14 Sec. 2. Section 232.94, Code 2009, is amended to read as
1 15 follows:
1 16 232.94 ~~Reporter~~ Notes or recordings required.
1 17 Stenographic notes or electronic or mechanical recordings
1 18 shall be taken of all court hearings held pursuant to this
1 19 division unless waived by the parties. The child shall not be
1 20 competent to waive the reporting requirement, but waiver may
1 21 be made for the child by the child's counsel or guardian ad
1 22 litem. ~~Matters which must be reported under the provisions of~~
~~1 23 this section shall be reported in the same manner as required~~
~~1 24 in section 624.9.~~
1 25 Sec. 3. Section 232.115, Code 2009, is amended to read as
1 26 follows:
1 27 232.115 ~~Reportings~~ Notes or recordings required.
1 28 Stenographic notes or electronic or mechanical recordings
1 29 shall be taken of all court hearings held pursuant to this
1 30 division unless waived by the parties. The child shall not be
1 31 competent to waive the reporting requirement, but waiver may
1 32 be made for the child by the child's counsel or guardian ad
1 33 litem. ~~Matters which must be reported under the provisions of~~
~~1 34 this section shall be reported in the same manner as required~~
~~1 35 in section 624.9.~~



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2 1 Sec. 4. Section 602.3201, Code 2009, is amended to read as
2 2 follows:

2 3 602.3201 Requirement of certification == use of title.

2 4 A person shall not engage in the profession of shorthand

2 5 reporting unless the person is certified pursuant to this

2 6 chapter, or otherwise exempted pursuant to section 602.6603,

~~2 7 subsection 4 by court rule. Only a person who is certified by~~

2 8 the board may assume the title of certified shorthand reporter,

2 9 or use the abbreviation C.S.R., or any words, letters, or

2 10 figures to indicate that the person is a certified shorthand

2 11 reporter.

2 12 Sec. 5. REPEAL. Sections 602.6603, 624.9, 624.10, and

2 13 624.11, Code 2009, are repealed.

2 14

DIVISION II

2 15

CHARITABLE CONTRIBUTIONS

2 16 Sec. 6. NEW SECTION. 901.11 Donations == prohibited.

2 17 A monetary or property donation to any agency, organization,

2 18 or political subdivision of the state is prohibited as a part

2 19 of any deferred prosecution, dismissal, sentence, or other

2 20 penalty.

2 21 Sec. 7. Section 907.13, subsection 2, Code 2009, is amended

2 22 to read as follows:

2 23 2. The defendant's plan of community service, the comments

2 24 of the defendant's probation officer, and the comments of

2 25 the representative of the judicial district department of

2 26 correctional services responsible for the unpaid community

2 27 service program, shall be submitted promptly to the court.

2 28 The court shall promptly enter an order approving the plan or

2 29 modifying it. Compliance with the plan of community service

2 30 as approved or modified by the court shall be a condition of

2 31 the defendant's probation. The court thereafter may modify the

2 32 plan at any time upon the defendant's request, upon the request

2 33 of the judicial district department of correctional services,

2 34 or upon the court's own motion. ~~As an option for modification~~

~~2 35 of a plan, the court may allow a defendant to complete some~~



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~~3 1 part or all of the defendant's community service obligation
3 2 through the donation of property to a charitable organization
3 3 other than a governmental subdivision. A donation of property
3 4 to a charitable organization offered in satisfaction of some
3 5 part or all of a community service obligation under this
3 6 subsection is not a deductible contribution for the purposes of
3 7 federal or state income taxes.~~

3 8 Sec. 8. Section 910.1, subsection 2, Code 2009, is amended
3 9 by striking the subsection.

3 10 Sec. 9. Section 910.1, subsection 4, Code 2009, is amended
3 11 to read as follows:

3 12 4. "Restitution" means payment of pecuniary damages to
3 13 a victim in an amount and in the manner provided by the
3 14 offender's plan of restitution. "Restitution" also includes
3 15 fines, penalties, and surcharges, ~~the contribution of funds~~
~~3 16 to a local anticrime organization which provided assistance~~
~~3 17 to law enforcement in an offender's case, the payment of~~
3 18 crime victim compensation program reimbursements, payment of
3 19 restitution to public agencies pursuant to section 321J.2,
3 20 subsection 9, paragraph "b", court costs including correctional
3 21 fees approved pursuant to section 356.7, court-appointed
3 22 attorney fees ordered pursuant to section 815.9, including the
3 23 expense of a public defender, and the performance of a public
3 24 service by an offender in an amount set by the court when the
3 25 offender cannot reasonably pay all or part of the court costs
3 26 including correctional fees approved pursuant to section 356.7,
3 27 or court-appointed attorney fees ordered pursuant to section
3 28 815.9, including the expense of a public defender.

3 29 Sec. 10. Section 910.2, Code 2009, is amended to read as
3 30 follows:

3 31 910.2 Restitution or community service to be ordered by
3 32 sentencing court.

3 33 In all criminal cases in which there is a plea of guilty,
3 34 verdict of guilty, or special verdict upon which a judgment
3 35 of conviction is rendered, the sentencing court shall order



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4 1 that restitution be made by each offender to the victims of
4 2 the offender's criminal activities, to the clerk of court
4 3 for fines, penalties, surcharges, and, to the extent that
4 4 the offender is reasonably able to pay, for crime victim
4 5 assistance reimbursement, restitution to public agencies
4 6 pursuant to section 321J.2, subsection 9, paragraph "b",
4 7 court costs including correctional fees approved pursuant
4 8 to section 356.7, or court-appointed attorney fees ordered
4 9 pursuant to section 815.9, including the expense of a public
4 10 defender, when applicable, ~~or contribution to a local~~
~~4 11 anticrime organization.~~ However, victims shall be paid in
4 12 full before fines, penalties, ~~and~~ surcharges, crime victim
4 13 compensation program reimbursement, public agencies, court
4 14 costs including correctional fees approved pursuant to section
4 15 356.7, and court-appointed attorney fees ordered pursuant to
4 16 section 815.9, including the expenses of a public defender,
4 17 ~~or contributions to a local anticrime organization~~ are paid.
4 18 In structuring a plan of restitution, the court shall provide
4 19 for payments in the following order of priority: victim,
4 20 fines, penalties, ~~and~~ surcharges, crime victim compensation
4 21 program reimbursement, public agencies, court costs including
4 22 correctional fees approved pursuant to section 356.7,
4 23 and court-appointed attorney fees ordered pursuant to section
4 24 815.9, including the expense of a public defender, ~~and~~
~~4 25 contribution to a local anticrime organization.~~
4 26 When the offender is not reasonably able to pay all or a
4 27 part of the crime victim compensation program reimbursement,
4 28 public agency restitution, court costs including correctional
4 29 fees approved pursuant to section 356.7, or court-appointed
4 30 attorney fees ordered pursuant to section 815.9, including
4 31 the expense of a public defender, ~~or contribution to a local~~
~~4 32 anticrime organization,~~ the court may require the offender
4 33 in lieu of that portion of the crime victim compensation
4 34 program reimbursement, public agency restitution, court costs
4 35 including correctional fees approved pursuant to section



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5 1 356.7, or court-appointed attorney fees ordered pursuant to
5 2 section 815.9, including the expense of a public defender, ~~or~~
~~5 3 contribution to a local anticrime organization~~ for which the
5 4 offender is not reasonably able to pay, to perform a needed
5 5 public service for a governmental agency or for a private
5 6 nonprofit agency which provides a service to the youth,
5 7 elderly, or poor of the community. When community service is
5 8 ordered, the court shall set a specific number of hours of
5 9 service to be performed by the offender which, for payment
5 10 of court-appointed attorney fees ordered pursuant to section
5 11 815.9, including the expenses of a public defender, shall be
5 12 approximately equivalent in value to those costs. The judicial
5 13 district department of correctional services shall provide for
5 14 the assignment of the offender to a public agency or private
5 15 nonprofit agency to perform the required service.
5 16 Sec. 11. Section 915.100, subsection 2, paragraph e, Code
5 17 2009, is amended to read as follows:
5 18 e. Victims shall be paid in full pursuant to an order
5 19 of restitution, before fines, penalties, surcharges, crime
5 20 victim compensation program reimbursement, public agency
5 21 reimbursement, court costs, correctional fees, court-appointed
5 22 attorney fees, or expenses of a public defender, ~~or~~
~~5 23 contributions to local anticrime organizations are paid.~~

5 24 DIVISION III

5 25 MISCELLANEOUS PROVISIONS

5 26 Sec. 12. Section 8A.504, subsection 2, paragraph j, Code
5 27 2009, is amended by adding the following new subparagraph:
5 28 NEW SUBPARAGRAPH. (4) The collection entity shall remit
5 29 to the state court administrator, on at least a monthly basis,
5 30 ten percent of the amounts set off to be used by the judicial
5 31 branch to defray the costs of collecting unpaid court debt
5 32 pursuant to section 602.8107.
5 33 Sec. 13. Section 236.4, subsection 2, Code 2009, is amended
5 34 to read as follows:
5 35 2. The court may enter any temporary order it deems



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6 1 necessary to protect the plaintiff from domestic abuse prior to
6 2 the hearing, including temporary custody or visitation orders
6 3 pursuant to subsection 2A, upon good cause shown in an ex parte
6 4 proceeding. Present danger of domestic abuse to the plaintiff
6 5 constitutes good cause for purposes of this subsection.

6 6 Sec. 14. Section 236.4, Code 2009, is amended by adding the
6 7 following new subsection:

6 8 NEW SUBSECTION. 2A. The court may award temporary custody
6 9 of or establish temporary visitation rights with regard to
6 10 children under eighteen years of age. In awarding temporary
6 11 custody or temporary visitation rights, the court shall give
6 12 primary consideration to the safety of the alleged victim
6 13 and the children. If the court finds that the safety of
6 14 the alleged victim will be jeopardized by unsupervised or
6 15 unrestricted visitation, the court shall set conditions
6 16 or restrict visitation as to time, place, duration, or
6 17 supervision, or deny visitation entirely, as needed to guard
6 18 the safety of the victim and the children. The court shall
6 19 also investigate whether any other existing orders awarding
6 20 custody or visitation should be modified.

6 21 Sec. 15. Section 236.4, subsection 3, Code 2009, is amended
6 22 to read as follows:

6 23 3. If a hearing is continued, the court may make or extend
6 24 any temporary order under subsection 2 or 2A that it deems
6 25 necessary.

6 26 Sec. 16. Section 321.236, subsection 1, paragraph a, Code
6 27 Supplement 2009, is amended to read as follows:

6 28 a. Parking meter, snow route, and overtime parking
6 29 violations which are contested shall be charged and proceed
6 30 before a court the same as other traffic violations. Filing
6 31 fees and court costs shall be assessed as provided in section
6 32 ~~602.8106, subsection 1, and section 805.6, subsection 1,~~
6 33 paragraph "a" for parking violation cases.

6 34 Sec. 17. Section 598.15, subsection 1, Code 2009, is amended
6 35 to read as follows:



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7 1 1. The ~~court shall order the~~ parties to any action
7 2 which involves the issues of child custody or visitation
7 3 ~~to~~ shall participate in a court-approved course to educate
7 4 and sensitize the parties to the needs of any child or party
7 5 during and subsequent to the proceeding within forty-five
7 6 days of the service of notice and petition for the action
7 7 or within forty-five days of the service of notice and
7 8 application for modification of an order. Participation in the
7 9 course may be waived or delayed by the court for good cause
7 10 including, but not limited to, a default by any of the parties
7 11 or a showing that the parties have previously participated in a
7 12 court-approved course or its equivalent. Participation in the
7 13 course is not required if the proceeding involves termination
7 14 of parental rights of any of the parties. A final decree shall
7 15 not be granted or a final order shall not be entered until the
7 16 parties have complied with this section, unless participation
7 17 in the course is waived or delayed for good cause or is
7 18 otherwise not required under this subsection.

7 19 Sec. 18. NEW SECTION. 602.1615 Records retention and
7 20 availability.

7 21 In addition to the rules prescribed under section 602.1614,
7 22 the supreme court shall prescribe rules regarding the
7 23 retention of all judicial branch records, including the
7 24 creation, storage, duplication, reproduction, disposition, and
7 25 destruction of such records, and such rules shall also include
7 26 the availability of the records to the public and the security
7 27 of such records. The rules prescribed pursuant to this section
7 28 shall prevail over any other laws, rules, or court rules except
7 29 for the rules prescribed under section 602.1614.

7 30 Sec. 19. Section 602.3101, subsection 2, Code 2009, is
7 31 amended to read as follows:

7 32 2. The ~~state court administrator or a designee of the~~
~~state court administrator~~ supreme court shall ~~act as~~ appoint
7 34 the administrator ~~to~~ of the board.



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8 1 Sec. 20. Section 602.3106, subsection 2, Code 2009, is
8 2 amended by striking the subsection and inserting in lieu
8 3 thereof the following:

8 4 2. The fees collected are appropriated to the judicial
8 5 branch and shall be used to offset the expenses of the board,
8 6 including the costs of administering the examination.

8 7 Sec. 21. Section 602.8105, subsection 1, Code Supplement
8 8 2009, is amended by adding the following new paragraph:
8 9 NEW PARAGRAPH. j. For filing a tribal judgment, one hundred
8 10 dollars.

8 11 Sec. 22. Section 602.8106, subsection 1, paragraph c, Code
8 12 Supplement 2009, is amended to read as follows:

8 13 c. For filing and docketing a complaint or information or
8 14 uniform citation and complaint for parking violations under
8 15 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
8 16 ~~eight dollars, effective January 1, 2004. The court costs in~~
~~8 17 cases of parking meter and overtime parking violations which~~
~~8 18 are contested, and charged and collected pursuant to section~~
~~8 19 321.236, subsection 1, or pursuant to a uniform citation and~~
~~8 20 complaint, are eight dollars per information or complaint~~
~~8 21 or per uniform citation and complaint effective January 1,~~
~~8 22 1991 thirty-five dollars.~~

8 23 Sec. 23. Section 602.10108, Code 2009, is amended to read
8 24 as follows:

8 25 602.10108 Fees.

8 26 1. The ~~board~~ supreme court shall set the fees for
8 27 examination and for admission. The fees for examination
8 28 shall be based upon the annual cost of administering the
8 29 examinations. The fees for admission shall be based upon the
8 30 costs of conducting an investigation of the applicant and the
8 31 administrative costs of sustaining the board, ~~which shall~~
~~8 32 include but shall not be limited to:~~

8 33 1. ~~Expenses and travel for board members and temporary~~
~~8 34 examiners.~~

8 35 2. ~~Office facilities, supplies, and equipment.~~



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House Study Bill 586 continued

9 1 ~~3. Clerical assistance.~~
9 2 2. Fees shall be collected by the board and transmitted
~~9 3 to the treasurer of state who shall deposit the fees in the~~
~~9 4 general fund of the state are appropriated to the judicial~~
9 5 branch and shall be used to offset the costs of administering
9 6 this article.
9 7 Sec. 24. Section 607A.8, subsection 2, Code 2009, is amended
9 8 to read as follows:
9 9 2. A grand juror and a petit juror in all courts shall
9 10 receive reimbursement for mileage expenses at the rate
9 11 specified in section 602.1509 by the supreme court for each
9 12 mile traveled each day to and from the residence of the juror
9 13 to the place of service or attendance, and shall receive
9 14 reimbursement for actual expenses of parking, as determined by
9 15 the clerk of the district court. A juror who is a person with a
9 16 disability may receive reimbursement for the costs of alternate
9 17 transportation from the residence of the juror to the place of
9 18 service or attendance. A juror shall not receive reimbursement
9 19 for mileage expenses or actual expenses of parking when the
9 20 juror travels in a vehicle for which another juror is receiving
9 21 reimbursement for mileage and parking expenses.
9 22 Sec. 25. Section 607A.47, Code 2009, is amended to read as
9 23 follows:
9 24 607A.47 Juror questionnaire.
9 25 The court may, on its own motion, or upon the motion of a
9 26 party to the case or upon the request of a juror, order the
9 27 sealing or partial sealing of a completed juror questionnaire,
9 28 if the court finds that it is necessary to protect the safety
9 29 or privacy of a juror or a family member of a juror, including
9 30 the privacy of a juror or a family member of a juror who has
9 31 been the victim of sexual or domestic abuse.
9 32 Sec. 26. Section 626D.3, Code 2009, is amended by adding the
9 33 following new subsection:
9 34 NEW SUBSECTION. 4. The clerk of the district court shall
9 35 collect a fee as provided in section 602.8105, subsection 1,



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House Study Bill 586 continued

10 1 for filing a tribal judgment.
10 2 Sec. 27. Section 805.6, subsection 1, paragraph a,
10 3 subparagraph (1), Code Supplement 2009, is amended to read as
10 4 follows:
10 5 (1) The commissioner of public safety, the director of
10 6 transportation, and the director of the department of natural
10 7 resources, acting jointly, shall adopt a uniform, combined
10 8 citation and complaint which shall be used for charging all
10 9 traffic violations in Iowa under state law or local regulation
10 10 or ordinance, and which shall be used for charging all other
10 11 violations which are designated by sections 805.8A, 805.8B, and
10 12 805.8C to be scheduled violations. ~~The filing fees and court~~
~~10 13 costs in cases of parking meter and overtime parking violations~~
~~10 14 which are denied are as stated in section 602.8106, subsection~~
~~10 15 1.~~ The court costs in scheduled violation cases where a court
10 16 appearance is not required are as stated in section 602.8106,
10 17 subsection 1. The court costs in scheduled violation cases
10 18 where a court appearance is required are as stated in section
10 19 602.8106, subsection 1. This subsection does not prevent the
10 20 charging of any of those violations by information, by private
10 21 complaint filed under chapter 804, or by a simple notice of
10 22 fine where permitted by section 321.236, subsection 1. Each
10 23 uniform citation and complaint shall be serially numbered and
10 24 shall be in quintuplicate, and the officer shall deliver the
10 25 original and a copy to the court where the defendant is to
10 26 appear, two copies to the defendant, and a copy to the law
10 27 enforcement agency of the officer. If the uniform citation and
10 28 complaint is created electronically, the issuing agency shall
10 29 cause the uniform citation and complaint to be transmitted
10 30 to the court, and the officer shall deliver a document to
10 31 the defendant which contains a section for the defendant and
10 32 a section which may be sent to the court. The court shall
10 33 forward an abstract of the uniform citation and complaint in
10 34 accordance with section 321.491 when applicable.



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11 1 Sec. 28. Section 907.9, subsection 4, Code 2009, is amended
11 2 to read as follows:

11 3 4. At the expiration of the period of probation if the
11 4 fees imposed under section 905.14 and court debt collected
11 5 pursuant to section 602.8107 have been paid, the court shall
11 6 order the discharge of the person from probation. If portions
11 7 of the court debt remain unpaid, the person shall establish a
11 8 payment plan with the clerk of the district court or the county
11 9 attorney prior to the discharge. The court shall forward to
11 10 the governor a recommendation for or against restoration of
11 11 citizenship rights to that person upon discharge. A person
11 12 who has been discharged from probation shall no longer be held
11 13 to answer for the person's offense, except for any unpaid
11 14 court debt as defined in section 602.8107. Upon discharge
11 15 from probation, if judgment has been deferred under section
11 16 907.3, the court's criminal record with reference to the
11 17 deferred judgment shall be ~~expunged~~ sealed, except as provided
11 18 in section 907.4, unless the defendant has unpaid court debt
11 19 as defined in section 602.8107 in the case that includes the
11 20 deferred judgment. The record shall remain unsealed until such
11 21 time the court debt is paid in full. The record maintained
11 22 by the state court administrator as required by section
11 23 907.4 shall not be expunged. The court's record shall not be
11 24 expunged in any other circumstances.

11 25

EXPLANATION

11 26 This bill relates to the administration of the judicial
11 27 branch, and makes an appropriation. The bill is separated into
11 28 three divisions to enhance the readability of the bill.

11 29 DIVISION I. The division amends Code sections 232.41
11 30 (delinquency proceedings), 232.94 (child in need of assistance
11 31 proceedings), and 232.115 (termination of parental rights
11 32 proceedings), by striking a similar provision in each section
11 33 requiring the proceedings to be recorded by a reporter in
11 34 writing or shorthand.

11 35 The division repeals Code section 602.6603, permitting



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12 1 a district judge or district associate judge to appoint a
12 2 certified court reporter, and permitting the appointment of an
12 3 uncertified court reporter under certain circumstances.
12 4 The division also strikes a reference to Code section
12 5 602.6603 in Code section 602.3201. The bill specifies that the
12 6 supreme court, by court rule, may designate when an uncertified
12 7 court reporter may engage in the profession of shorthand
12 8 reporting. Currently, Code section 602.6603 governs when an
12 9 uncertified court reporter may engage in the profession of
12 10 shorthand reporting.
12 11 The division also repeals Code sections 624.9, 624.10, and
12 12 624.11, requiring hearings and trials to be reported in writing
12 13 or shorthand.
12 14 DIVISION II. The division prohibits any donation to an
12 15 agency, organization, or political subdivision of the state as
12 16 part of any deferred prosecution, dismissal, sentence, or other
12 17 penalty. The bill eliminates a provision allowing a criminal
12 18 defendant to make a donation in lieu of performing community
12 19 service. The bill also eliminates provisions allowing a
12 20 contribution by a criminal defendant to a local anticrime
12 21 organization as part of the offender's restitution plan.
12 22 DIVISION III. The division requires the department of
12 23 administrative services and any other state agency that
12 24 maintains a separate accounting system and elects to establish
12 25 a debt collection setoff procedure, to remit to the state court
12 26 administrator, 10 percent of the amounts set off from the
12 27 collection of delinquent court debt for use by the judicial
12 28 branch to defray the costs of collecting unpaid court debt.
12 29 The division provides that the court may enter temporary
12 30 custody and visitation orders prior to a hearing to determine
12 31 whether domestic abuse has occurred under Code chapter 236. In
12 32 awarding temporary custody and visitation under the bill, the
12 33 court shall give primary consideration to the safety of the
12 34 alleged victim and the children.
12 35 The division requires each party to an action which involves



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13 1 the custody of a child or visitation to participate in a
13 2 court-approved course to educate and sensitize the parties to
13 3 the needs of any child involved in the custody or visitation
13 4 action. Current law requires the court to order the parties
13 5 to attend such a course.

13 6 The division requires the supreme court to prescribe
13 7 rules regarding the retention of all judicial branch records,
13 8 including the creation, storage, duplication, reproduction,
13 9 disposition, and destruction of such records, and such rules
13 10 shall also include the availability of the records to the
13 11 public and the security of such records. The rules prescribed
13 12 pursuant to the division shall prevail over any other laws,
13 13 rules, or court rules except for the rules prescribed under
13 14 Code section 602.1614 relating to electronic records.

13 15 The division requires the supreme court to appoint the
13 16 administrator of the board of examiners of shorthand reporters.
13 17 Current law provides that the state court administrator or
13 18 a designee of the state court administrator shall act as
13 19 administer of the board.

13 20 The division specifies that the fees assessed for shorthand
13 21 certification examinations are appropriated to the judicial
13 22 branch and shall be used to offset the expenses of the board,
13 23 including the costs of administering examinations.

13 24 The division increases the fee for filing and docketing a
13 25 complaint or information for state parking violations from \$8
13 26 to \$35. The division eliminates the court costs assessed for
13 27 contested local parking meter and overtime parking violations.

13 28 The division transfers the authority to set fees for
13 29 examination and admission to practice law in Iowa from the
13 30 board of law examiners to the supreme court. The division also
13 31 specifies that the fees collected for examination and admission
13 32 are appropriated to the judicial branch and shall be used to
13 33 offset the costs of administering the examination and admission
13 34 process to practice law. Current law requires the examination
13 35 and admission fees to be deposited into the general fund of the



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House Study Bill 586 continued

14 1 state.

14 2 The division separates the authority of the supreme court
14 3 to establish the mileage reimbursement rate for jurors from
14 4 the authority of the supreme court to establish the mileage
14 5 reimbursement rate for witnesses, judicial officers, and court
14 6 employees. Currently, the mileage reimbursement rate for
14 7 jurors, witnesses, judicial officers, and court employees is
14 8 established under the authority of the supreme court pursuant
14 9 to one provision in Code section 602.1509.

14 10 The division permits the court to seal or partially seal a
14 11 juror questionnaire in order to protect the safety and privacy
14 12 of a juror or a family member of a juror who has been the victim
14 13 of sexual or domestic abuse.

14 14 The division sets the fee for filing a tribal judgment with
14 15 the clerk of the district court at \$100. The distribution
14 16 of court fees collected by the clerk of the district court
14 17 is governed by Code section 602.8108. Current law does not
14 18 establish a filing fee for a tribal judgment.

14 19 The division specifies that a person who has been discharged
14 20 from probation shall no longer be held accountable for the
14 21 person's offense, except if the person has unpaid court debt as
14 22 defined in Code section 602.8107.

14 23 The division also specifies that a person who receives
14 24 a deferred judgment shall, upon successful completion of
14 25 probation, have any reference to the record containing the
14 26 deferred judgment sealed, except if the person has unpaid
14 27 court debt in the case that includes the deferred judgment.
14 28 The division further specifies that the record containing the
14 29 deferred judgment shall not be sealed until the court debt is
14 30 paid in full.

LSB 5396DP (6) 83

jm/rj



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Senate Amendment 5010

PAG LIN

1 1 Amend House File 734, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by striking line 34 and inserting
1 4 <adjudged by a court to meet one of the>
1 5 #2. Page 15, line 10, by striking <February 15,> and
1 6 inserting <July 1,>

COMMITTEE ON JUDICIARY KEITH A. KREIMAN, CHAIRPERSON
LSB HF734.154 (1) 83
rh/rj



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Senate Amendment 5011

PAG LIN

1 1 Amend House File 2030, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 3, line 22, by striking <operations,>
1 4 and inserting <four months of operating costs, and
1 5 the district has not initiated a school district
1 6 flexibility plan and notified the school budget review
1 7 committee thereof,>
1 8 #2. Page 3, by striking lines 29 and 30 and
1 9 inserting <for a budget year to a level that does
1 10 not exceed twenty-five percent of the general fund
1 11 expenditures for the year previous to the base year
1 12 minus the unexpended fund balance for the year previous
1 13 to the base year.>
1 14 #3. Page 3, by striking lines 32 through 34 and
1 15 inserting <limit the school district's cash reserve
1 16 levy to the cash reserve limitation in>
1 17 #4. Page 3, after line 35 by inserting:
1 18 <c. For purposes of this subsection, a school
1 19 district flexibility plan may include but not be
1 20 limited to any of the following actions taken during
1 21 any school budget year commencing during the fiscal
1 22 period beginning July 1, 2009, and ending June 30,
1 23 2012:
1 24 (1) Notwithstanding any provision of section
1 25 256.11, subsections 9, 9A, and 9B, to the contrary,
1 26 school districts are not required to have a teacher
1 27 librarian, guidance counselor, or school nurse. Any
1 28 funds not expended due to this section may be expended
1 29 for school district general fund purposes.
1 30 (2) Notwithstanding any provision of section
1 31 256.11, subsection 6, to the contrary, school districts
1 32 may suspend expanded physical education programs and
1 33 cardiopulmonary resuscitation certification courses.
1 34 (3) Notwithstanding any provision of chapter 256C
1 35 to the contrary, preschool foundation aid payments
1 36 under chapter 256C shall be distributed to all
1 37 school districts based on a school district's budget
1 38 enrollment compared to the statewide total budget
1 39 enrollment for the school budget year beginning July
1 40 1, 2009, to be used for chapter 256C purposes, if
1 41 applicable, or school district general fund purposes.
1 42 (4) Notwithstanding any provision of section
1 43 257.10, subsection 9, to the contrary, school districts
1 44 may expend teacher salary supplement funding for school
1 45 district general fund purposes.
1 46 (5) Notwithstanding any provision of section
1 47 257.10, subsection 10, to the contrary, school
1 48 districts may expend professional development
1 49 supplement funding for school district general fund
1 50 purposes.



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Senate Amendment 5011 continued

2 1 (6) Notwithstanding any provision of section
2 2 257.10, subsection 11, to the contrary, school
2 3 districts may expend early intervention supplement
2 4 funding for school district general fund purposes.
2 5 (7) Notwithstanding any provision of section
2 6 257.19, to the contrary, school districts may
2 7 additionally expend instructional support funds for
2 8 funding purposes under sections 257.41 and 257.46.
2 9 d. This subsection shall not prevent a school
2 10 district from initiating a school flexibility plan.>
2 11 #5. Page 4, by striking lines 17 and 18 and
2 12 inserting:
2 13 <Sec. ____ EFFECTIVE UPON ENACTMENT AND
2 14 APPLICABILITY. This Act, being deemed of immediate
2 15 importance, takes effect upon enactment and applies
2 16 to the expenditure of funds by school districts on or
2 17 after that date.>
2 18 #6. By renumbering as necessary.

PAUL MCKINLEY

MERLIN BARTZ

NANCY J. BOETTGER

SHAWN HAMERLINCK
LSB HF2030.158 (2) 83
ak/sc



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Senate Amendment 5012

PAG LIN

1 1 Amend House File 2030, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 4, by striking lines 9 through 16 and
1 4 inserting:
1 5 <Sec. _____. EMERGENCY RULES. The department of
1 6 education may adopt emergency rules under section
1 7 17A.4, subsection 3, and section 17A.5, subsection 2,
1 8 paragraph "b", to implement the provisions of this
1 9 Act. Any rules adopted in accordance with this section
1 10 shall not take effect before the rules are reviewed by
1 11 the administrative rules review committee. Any rules
1 12 adopted in accordance with this section shall also be
1 13 published as a notice of intended action as provided in
1 14 section 17A.4.>

MERLIN BARTZ
LSB HF2030.157 (2) 83
ak/sc



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Senate File 2055 - Introduced

SENATE FILE

BY APPEL, DEARDEN, HATCH,
HOGG, DVORSKY,
HECKROTH, BEALL,
QUIRMBACH, JOCHUM,
KIBBIE, GRONSTAL,
COURTNEY, BOLKCOM,
SCHOENJAHN, KREIMAN,
SODDERS, DANIELSON,
STEWART, and FRAISE

A BILL FOR

1 An Act concerning the use of child restraint systems or seat
2 belts by motor vehicle passengers who are minors and making
3 a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5201XS (4) 83
dea/nh



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Senate File 2055 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.445, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. a. The driver and front seat occupants of a type of
1 4 motor vehicle that is subject to registration in Iowa, except a
1 5 motorcycle or a motorized bicycle, shall each wear a properly
1 6 adjusted and fastened safety belt or safety harness any time
1 7 the vehicle is in forward motion on a street or highway in this
1 8 state except that a child under ~~eleven~~ eighteen years of age
1 9 shall be secured as required under section 321.446.
1 10 b. This subsection does not apply to:
1 11 a. (1) The driver or front seat occupants of a motor
1 12 vehicle which is not required to be equipped with safety belts
1 13 or safety harnesses.
1 14 ~~b.~~ (2) The driver and front seat occupants of a motor
1 15 vehicle who are actively engaged in work which requires them
1 16 to alight from and reenter the vehicle at frequent intervals,
1 17 providing the vehicle does not exceed twenty-five miles per
1 18 hour between stops.
1 19 ~~c.~~ (3) The driver of a motor vehicle while performing
1 20 duties as a rural letter carrier for the United States postal
1 21 service. This exemption applies only between the first
1 22 delivery point after leaving the post office and the last
1 23 delivery point before returning to the post office.
1 24 ~~d.~~ (4) Passengers on a bus.
1 25 e. (5) A person possessing a written certification from
1 26 a health care provider licensed under chapter 148 or 151 on a
1 27 form provided by the department that the person is unable to
1 28 wear a safety belt or safety harness due to physical or medical
1 29 reasons. The certification shall specify the time period for
1 30 which the exemption applies. The time period shall not exceed
1 31 twelve months, at which time a new certification may be issued
1 32 unless the certifying health care provider is from a United
1 33 States military facility, in which case the certificate may
1 34 specify a longer period of time or a permanent exemption.
1 35 ~~f.~~ (6) Front seat occupants of an authorized emergency



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Senate File 2055 - Introduced continued

2 1 vehicle while they are being transported in an emergency.
2 2 However, this exemption does not apply to the driver of the
2 3 authorized emergency vehicle.
2 4 c. The department, in cooperation with the department of
2 5 public safety and the department of education, shall establish
2 6 educational programs to foster compliance with the safety belt
2 7 and safety harness usage requirements of this subsection.
2 8 Sec. 2. Section 321.446, subsections 2 and 3, Code 2009, are
2 9 amended to read as follows:
2 10 2. A child at least six years of age but under
2 11 ~~eleven~~ eighteen years of age who is being transported in
2 12 a motor vehicle subject to registration, except a school
2 13 bus or motorcycle, shall be secured during transit by a
2 14 child restraint system that is used in accordance with the
2 15 manufacturer's instructions or by a safety belt or safety
2 16 harness of a type approved under section 321.445.
2 17 3. This section does not apply to ~~peace~~ the following:
2 18 a. Peace officers acting on official duty. This
~~2 19 section also does not apply to the~~
2 20 b. The transportation of children in 1965 model year or
2 21 older vehicles, authorized emergency vehicles, buses, or motor
2 22 homes, except when a child is transported in a motor home's
2 23 passenger seat situated directly to the driver's right. ~~This~~
~~2 24 section does not apply to the~~
2 25 c. The transportation of a child who has been certified
2 26 by a physician licensed under chapter 148 as having a
2 27 medical, physical, or mental condition that prevents or makes
2 28 inadvisable securing the child in a child restraint system,
2 29 safety belt, or safety harness.
2 30 d. A back seat occupant of a motor vehicle for whom no
2 31 safety belt is available because all safety belts are being
2 32 used by other occupants or cannot be used due to the use of a
2 33 child restraint system in the seating position for which a belt
2 34 is provided.



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Senate File 2055 - Introduced continued

3 1 EXPLANATION
3 2 This bill requires that all persons under 18 years of age who
3 3 are being transported in a motor vehicle, other than a school
3 4 bus or motorcycle, be secured by an approved child restraint
3 5 system or a seat belt regardless of seating position.
3 6 The bill provides an exemption from child restraint
3 7 requirements in situations where a child occupying a back seat
3 8 is not restrained because all safety belts in the vehicle are
3 9 in use or cannot be used because a child restraint system is
3 10 occupying the seating position for which a belt is provided.
3 11 Pursuant to existing law, a motor vehicle operator who
3 12 violates child restraint requirements commits a simple
3 13 misdemeanor subject to a scheduled fine of \$25. However, such
3 14 offenses are not considered for purposes of determining a
3 15 habitual offender of motor vehicle laws.

LSB 5201XS (4) 83
dea/nh



Iowa General Assembly
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Senate File 2056 - Introduced

SENATE FILE

BY APPEL, DEARDEN, HATCH,
HOGG, QUIRMBACH,
JOCHUM, BLACK, McCOY,
COURTNEY, KIBBIE,
GRONSTAL, DANDEKAR,
SODDERS, STEWART,
BEALL, and FRAISE

A BILL FOR

1 An Act concerning the operation of a motor vehicle while using
2 an electronic communication device to write, read, or send
3 an electronic message, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5084XS (3) 83
dea/nh



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Senate File 2056 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.277B Electronic communication
1 2 devices.
1 3 1. Definitions. As used in this section, unless the context
1 4 otherwise requires:
1 5 a. "Electronic communication device" means an electronic
1 6 device, including but not limited to a wireless telephone,
1 7 a personal digital assistant, or a portable or mobile
1 8 computer, capable of being used for the purpose of writing,
1 9 reading, or sending an electronic message. "Electronic
1 10 communication device" does not include a global positioning
1 11 system or navigation system or a device that is physically or
1 12 electronically integrated into a motor vehicle.
1 13 b. "Electronic message" means a self-contained digital
1 14 communication that is designed or intended to be transmitted
1 15 between physical devices. "Electronic message" includes but
1 16 is not limited to electronic mail, a text message, an instant
1 17 message, or a command or request to access an internet site.
1 18 2. Prohibition. A person shall not operate a motor vehicle
1 19 on a roadway while using an electronic communication device to
1 20 write, read, or send an electronic message.
1 21 3. Exceptions. This section does not apply to the following
1 22 persons in the following circumstances:
1 23 a. A peace officer in the performance of the peace officer's
1 24 official duties.
1 25 b. The operator of an authorized emergency vehicle in
1 26 the performance of the emergency vehicle operator's official
1 27 duties.
1 28 c. A motor vehicle operator using an electronic
1 29 communication device for the sole purpose of reporting an
1 30 emergency situation to law enforcement authorities or an
1 31 emergency response agency and for continued communication with
1 32 emergency personnel during the emergency situation.
1 33 d. A motor vehicle operator using an electronic
1 34 communication device in hands-free or voice-activated mode to
1 35 send or receive a voice communication.



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Senate File 2056 - Introduced continued

2 1 e. A commercial motor vehicle operator reading a message
2 2 displayed on a permanently installed communication device
2 3 designed for a commercial motor vehicle, with a screen that is
2 4 no larger than ten inches in height and ten inches in width.

2 5 f. A motor vehicle operator using an electronic
2 6 communication device when the motor vehicle is stopped due to
2 7 the obstruction of normal traffic and the transmission of the
2 8 motor vehicle is in neutral or park.

2 9 g. A motor vehicle operator using an electronic
2 10 communication device when the motor vehicle is at a complete
2 11 stop off the roadway.

2 12 4. Penalty. A person convicted of a violation of this
2 13 section is guilty of a simple misdemeanor punishable as
2 14 a scheduled violation under section 805.8A, subsection 6,
2 15 paragraph "e".

2 16 Sec. 2. Section 707.6A, subsection 2, Code 2009, is amended
2 17 by adding the following new paragraph:

2 18 NEW PARAGRAPH. c. Operating a motor vehicle while using
2 19 an electronic communication device in violation of section
2 20 321.277B.

2 21 Sec. 3. Section 805.8A, subsection 6, Code Supplement 2009,
2 22 is amended by adding the following new paragraph:

2 23 NEW PARAGRAPH. e. For a violation under section 321.277B,
2 24 the scheduled fine is one hundred dollars.

2 25 EXPLANATION

2 26 This bill prohibits a person from using an electronic
2 27 communication device to write, read, or send an electronic
2 28 message while operating a motor vehicle on the roadway.

2 29 The bill defines the term "electronic communication device"
2 30 as an electronic device capable of being used to write, read,
2 31 or send an electronic message. The term includes a wireless
2 32 telephone, a personal digital assistant, and a portable or
2 33 mobile computer, but does not include a global positioning
2 34 system or navigation system or a device that is physically
2 35 or electronically integrated into a motor vehicle. The bill



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3 1 defines "electronic message" as a self-contained digital
3 2 communication that is designed or intended to be transmitted
3 3 between physical devices. The term includes electronic mail, a
3 4 text message, an instant message, or a command or request to
3 5 access an internet site.

3 6 The following persons and situations are exempt from the
3 7 prohibition: a peace officer or emergency vehicle operator
3 8 using an electronic communication device in the performance
3 9 of official duties; a motor vehicle operator reporting
3 10 an emergency situation to law enforcement authorities or
3 11 an emergency response agency and continuing communication
3 12 during the emergency situation; a motor vehicle operator
3 13 using an electronic communication device in hands-free or
3 14 voice-activated mode to send or receive a voice communication;
3 15 a commercial motor vehicle operator reading a message displayed
3 16 on a permanently installed communication device no larger than
3 17 10 inches by 10 inches and designed for a commercial vehicle;
3 18 and a motor vehicle operator using an electronic communication
3 19 device when the vehicle is stopped on the roadway, with the
3 20 transmission in neutral or park, due to the obstruction of
3 21 normal traffic or when the motor vehicle is at a complete stop
3 22 off the roadway.

3 23 The bill provides several penalties, depending on the
3 24 consequences of the violation. For the basic offense, a person
3 25 convicted of a violation is guilty of a simple misdemeanor,
3 26 punishable by a scheduled fine of \$100.

3 27 If the violation causes serious injury to another person,
3 28 the offense is considered serious injury by vehicle, which
3 29 is a class "D" felony. A class "D" felony is punishable by
3 30 confinement for no more than five years and a fine of at least
3 31 \$750 but not more than \$7,500.

3 32 If the violation results in the unintended death of another
3 33 person, the offense is considered homicide by vehicle,
3 34 punishable as a class "C" felony. A class "C" felony is
3 35 punishable by confinement for no more than 10 years and a fine



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Senate File 2056 - Introduced continued

4 1 of at least \$1,000 but not more than \$10,000.
LSB 5084XS (3) 83
dea/nh



Iowa General Assembly
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Senate File 2057 - Introduced

SENATE FILE
BY HOGG

A BILL FOR

1 An Act relating to renewable energy production by establishing
2 a solar electric generation standard applicable to electric
3 public utilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5244SS (8) 83
rn/sc



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Senate File 2057 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 476.47A Solar electric generation
1 2 == standard established.

1 3 1. An electric public utility, whether required to
1 4 be rate-regulated under this chapter or exempt from rate
1 5 regulation pursuant to the provisions of sections 476.1A,
1 6 476.1B, or 476.1C, shall produce or purchase the utility's
1 7 share, as determined in subsection 2, of seven megawatts of
1 8 power from solar electric generation sources by December 31,
1 9 2014.

1 10 2. Each electric public utility's share of seven megawatts
1 11 of power shall be determined by the board based on that
1 12 utility's proportionate share of sales of electricity in the
1 13 state for the year ending December 31, 2010. By March 1,
1 14 2011, the board shall notify each electric public utility of
1 15 the amount so determined. An electric public utility required
1 16 to be rate-regulated may include this amount for purposes of
1 17 satisfying the renewable energy standard specified in section
1 18 476.44, subsection 2.

1 19 3. The solar electric generation standard established in
1 20 this section may be satisfied either through construction of a
1 21 solar electric generation facility by an individual utility or
1 22 by more than one utility collectively, or by entering into a
1 23 power purchase agreement with an alternate energy production
1 24 facility located in this state. Solar electrically generated
1 25 energy produced or purchased by a utility, which was originally
1 26 placed in production or use prior to December 31, 2014, may be
1 27 counted toward satisfying the standard.

1 28 4. For purposes of this section, "solar electric generation"
1 29 means electricity generated directly or indirectly by sunlight
1 30 without combustion.

1 31 EXPLANATION

1 32 This bill establishes a solar electric generation standard
1 33 applicable to all electric public utilities in this state.

1 34 The bill requires each electric public utility to produce
1 35 or purchase its share of seven megawatts of power from solar



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2 1 electric generation sources by December 31, 2014. Each
2 2 utility's share shall be determined by the Iowa utilities
2 3 board based on the utility's proportionate share of sales of
2 4 electricity in the state for the year ending December 31,
2 5 2010. The bill directs the board to notify each utility of
2 6 the amount so determined by March 1, 2011. The bill permits
2 7 a rate-regulated electric public utility to include the
2 8 amount determined for purposes of satisfying the 105-megawatt
2 9 proportionate share renewable energy purchase requirement
2 10 specified in Code section 476.44, subsection 2.

2 11 The bill provides that the solar electric generation
2 12 standard may be satisfied either through construction of a
2 13 solar electric generation facility individually or by more than
2 14 one utility collectively, or by entering into a power purchase
2 15 agreement with an alternate energy production facility located
2 16 in this state. Additionally, solar electrically generated
2 17 energy produced or purchased by a utility, which was originally
2 18 placed in production or use prior to December 31, 2014, may be
2 19 counted in the bill toward satisfying the standard.

2 20 The bill defines "solar electric generation" to mean
2 21 electricity generated without combustion directly or indirectly
2 22 by sunlight.

LSB 5244SS (8) 83

rn/sc



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Senate File 2058 - Introduced

SENATE FILE
BY HANCOCK

A BILL FOR

1 An Act relating to textbooks and laptop computers or other
2 personal portable computing devices adopted for use by
3 school districts and provided to public and accredited
4 nonpublic school students.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5377XS (3) 83
kh/nh



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Senate File 2058 - Introduced continued

PAG LIN

1 1 Section 1. Section 301.1, subsection 3, Code 2009, is
1 2 amended to read as follows:

1 3 3. As used in subsection 2, "textbooks" means ~~books~~ any of
1 4 the following:

1 5 a. Books and loose-leaf or bound manuals, systems of
1 6 reusable instructional materials or combinations of books and
1 7 supplementary instructional materials which convey information
1 8 to the student or otherwise contribute to the learning process,
1 9 or electronic.

1 10 b. Electronic textbooks, including but not limited to
1 11 computer software, applications using computer-assisted
1 12 instruction, interactive videodisc, and other computer
1 13 courseware and magnetic media.

1 14 c. Laptop computers or other portable personal computing
1 15 devices which are used for nonreligious instructional use only.

EXPLANATION

1 16
1 17 This bill relates to the use of state funds allocated to
1 18 school districts for purposes of making textbooks available to
1 19 accredited nonpublic school pupils by expanding the definition
1 20 of textbooks to include laptop computers or other portable
1 21 personal computing devices which are used for nonreligious
1 22 instructional use only. Currently, the definition is limited
1 23 to books, supplementary instructional materials, and electronic
1 24 textbooks, including but not limited to computer software.

LSB 5377XS (3) 83

kh/nh



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Senate File 2059 - Introduced

SENATE FILE
BY HANCOCK

A BILL FOR

- 1 An Act concerning the purchasing of raffle tickets.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5313XS (5) 83
ec/nh



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Senate File 2059 - Introduced continued

PAG LIN

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

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

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

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

1 27 EXPLANATION

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



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Senate File 2059 - Introduced continued

2 1 on credit. The bill requires the department of inspections
2 2 and appeals to adopt rules regarding the purchase of raffle
2 3 tickets on credit to include protection of personal information
2 4 consistent with payment card industry regulations.
LSB 5313XS (5) 83
ec/nh



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Senate File 2060 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act requiring financial liability coverage as a condition
2 for registration of a motor vehicle, requiring insurance
3 carriers to certify automobile liability coverage to the
4 department of transportation, and providing civil and
5 criminal penalties.

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

TLSB 5566XS (3) 83

dea/nh



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Senate File 2060 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.20, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. g. If the vehicle is a motor vehicle, the
1 4 owner shall certify on the application that financial liability
1 5 coverage is in effect for the motor vehicle as required by
1 6 section 321.21. The application provided by the department
1 7 shall include a statement for the applicant to sign that
1 8 acknowledges the applicant's knowledge of the requirement to
1 9 notify the county treasurer of a financial liability coverage
1 10 change.

1 11 Sec. 2. NEW SECTION. 321.21 Proof of financial liability
1 12 coverage required for motor vehicle registration == penalties.

1 13 1. A motor vehicle shall not be registered unless financial
1 14 liability coverage, as defined in section 321.1, subsection
1 15 24B, is in effect for the motor vehicle at the time of
1 16 registration. If the form of financial liability coverage
1 17 is an owner's policy of liability insurance, the owner shall
1 18 provide a description of the financial liability coverage as
1 19 noted on the proof of financial liability coverage card issued
1 20 for the motor vehicle. The department may require that the
1 21 owner's insurance company verify that the financial liability
1 22 coverage is in effect for the motor vehicle at the time of
1 23 application for registration.

1 24 2. When the insurance carrier or other source of financial
1 25 liability coverage for a vehicle changes, the owner shall
1 26 notify the county treasurer within five days of obtaining the
1 27 new coverage. If liability insurance for the motor vehicle
1 28 is canceled or terminated at any time during the period of
1 29 registration for a reason other than transfer of ownership
1 30 of the motor vehicle, and new coverage is not obtained, the
1 31 owner shall immediately surrender the registration certificate
1 32 and registration plates for the motor vehicle to the county
1 33 treasurer.

1 34 3. An insurance company shall notify the department within
1 35 twenty business days of the cancellation or termination of



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2 1 an owner's policy of liability insurance. However, notice
2 2 of cancellation is not required if the insurer cancels or
2 3 terminates the old policy, no lapse in coverage results, and
2 4 the insurer sends the certificate of insurance form for the new
2 5 policy to the department.
2 6 4. a. Upon receiving notice of a lapse in insurance
2 7 coverage for a motor vehicle, the department shall notify the
2 8 owner of the lapse in coverage and require the owner to do one
2 9 of the following within five days of the notification:
2 10 (1) Certify to the department that other financial
2 11 liability coverage was in effect prior to the date of
2 12 termination of the insurance coverage.
2 13 (2) If a lapse in coverage occurred, certify that new
2 14 financial liability coverage is in effect and, if the lapse was
2 15 for more than five business days, pay a civil penalty of fifty
2 16 dollars to the department.
2 17 (3) Surrender the registration receipt and registration
2 18 plates for the motor vehicle to the county treasurer.
2 19 b. Failure of the owner to certify that financial
2 20 liability coverage is in effect is prima facie evidence
2 21 that such coverage does not exist, and unless the owner has
2 22 surrendered the registration receipt and plates, the department
2 23 shall revoke the registration for the vehicle. A revoked
2 24 registration may be renewed after thirty days upon payment of
2 25 a \$50 civil penalty to the department and certification that
2 26 financial liability coverage is in effect for the vehicle.
2 27 c. The department shall provide notice of a revoked
2 28 registration under this section to a peace officer verifying
2 29 the registration of a motor vehicle.
2 30 5. The department shall waive the civil penalties imposed
2 31 by this section for an owner who, at the time of notification
2 32 of a lapse in financial liability coverage, is in the military
2 33 service of the United States and has been deployed outside the
2 34 continental United States for a period of forty-five days or
2 35 more. Upon receiving notice of revocation of registration due



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3 1 to a lapse in coverage, the owner shall be allowed to transfer
3 2 the vehicle's ownership and registration to the owner's spouse
3 3 or child without penalty.
3 4 6. a. A person who falsely certifies as to financial
3 5 liability coverage required under this section commits a simple
3 6 misdemeanor.
3 7 b. The owner of a motor vehicle subject to registration who
3 8 permits the vehicle to be operated by another person without
3 9 having financial liability coverage in effect as required under
3 10 this section commits a simple misdemeanor.
3 11 Sec. 3. Section 321.30, Code 2009, is amended by adding the
3 12 following new subsection:
3 13 NEW SUBSECTION. 4. The department or the county treasurer
3 14 shall refuse registration of a motor vehicle if the owner does
3 15 not provide satisfactory certification that financial liability
3 16 coverage is in effect for the motor vehicle as required by
3 17 section 321.21.
3 18 Sec. 4. Section 321.40, Code Supplement 2009, is amended by
3 19 adding the following new subsection:
3 20 NEW SUBSECTION. 7A. A form for certification of financial
3 21 liability coverage shall accompany each renewal statement
3 22 sent to the owner of a motor vehicle under this section. The
3 23 county treasurer shall refuse to renew the registration of a
3 24 motor vehicle if the applicant does not submit certification of
3 25 financial liability coverage in effect for the motor vehicle
3 26 as required by section 321.21.
3 27 Sec. 5. NEW SECTION. 516B.4 Reports to state department of
3 28 transportation.
3 29 An insurance company transacting business in this state
3 30 shall provide certification of automobile liability policies
3 31 as required pursuant to section 321.21 within seven business
3 32 days of receiving a request from the state department of
3 33 transportation. An insurance company shall notify the
3 34 department of transportation within twenty business days of the
3 35 cancellation or termination of an automobile liability policy.



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5 1 information available to peace officers when a registration is
5 2 revoked due to a lapse in financial liability coverage.

5 3 The bill requires the department to waive any civil
5 4 penalties relating to a lapse in financial liability coverage
5 5 for a member of the military service of the United States who
5 6 has been deployed outside the continental United States for
5 7 45 days or more. Such an owner whose registration has been
5 8 revoked because of a lapse in insurance coverage shall be
5 9 allowed to transfer ownership and registration of the motor
5 10 vehicle to the owner's spouse or child without penalty.

5 11 The bill provides that the owner of a motor vehicle commits
5 12 a simple misdemeanor if the owner permits the vehicle to be
5 13 operated by another person without having financial liability
5 14 coverage in effect for the vehicle. In addition, a person who
5 15 falsely certifies as to financial liability coverage required
5 16 for registration or renewal commits a simple misdemeanor. A
5 17 simple misdemeanor is punishable by confinement for no more
5 18 than 30 days or a fine of at least \$65 but not more than \$625,
5 19 or by both.

LSB 5566XS (3) 83

dea/nh



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Senate File 2061 - Introduced

SENATE FILE
BY McCOY

A BILL FOR

1 An Act requiring that certain health insurance policies
2 provide coverage for preventive screenings and services for
3 colorectal cancer.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5371XS (5) 83
av/sc



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Senate File 2061 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 514C.26 Preventive health care
1 2 services == colorectal cancer screening coverage.
1 3 1. Notwithstanding the uniformity of treatment requirements
1 4 of section 514C.6, a policy, contract, or plan providing for
1 5 third-party payment or prepayment of health or medical expenses
1 6 shall provide coverage for the cost of preventive health care
1 7 services for colorectal cancer screening as provided in this
1 8 section.
1 9 2. Such coverage shall be provided for preventive health
1 10 care services for colorectal cancer screening for the early
1 11 detection of colorectal cancer and adenomatous polyps for all
1 12 of the following covered persons:
1 13 a. Asymptomatic, average-risk adults who are fifty years of
1 14 age or older.
1 15 b. Persons who are at high risk for colorectal cancer,
1 16 including persons who have a family medical history of
1 17 colorectal cancer, a prior occurrence of cancer or precursor
1 18 neoplastic polyps, a prior occurrence of a chronic digestive
1 19 disease condition such as inflammatory bowel disease, Crohn's
1 20 disease, or ulcerative colitis, or who have other predisposing
1 21 factors as determined by the person's treating physician.
1 22 3. Such coverage shall include colorectal cancer screening,
1 23 as determined by a covered person's treating physician, that
1 24 detects colorectal cancer or adenomatous polyps, pursuant to a
1 25 recommendation adopted by the task force.
1 26 4. As used in this section, unless the context otherwise
1 27 requires:
1 28 a. "Recommendation" means a recommendation adopted by the
1 29 task force that does either of the following:
1 30 (1) Strongly recommends that clinicians provide a
1 31 preventive health care service for the early detection of
1 32 colorectal cancer or adenomatous polyps to eligible patients
1 33 because the task force found good evidence that the preventive
1 34 health care service improves important health outcomes and
1 35 concluded that the benefits of the preventive health care



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2 1 service substantially outweigh the harms of providing the
2 2 service.
2 3 (2) Recommends that clinicians provide a preventive health
2 4 care service for the early detection of colorectal cancer or
2 5 adenomatous polyps to eligible patients because the task force
2 6 found fair evidence that the preventive health care service
2 7 improves important health outcomes and concluded that the
2 8 benefits of the preventive health care service outweigh the
2 9 harms of providing the service.
2 10 b. "Small employer" means a person actively engaged in
2 11 business who, during at least fifty percent of the employer's
2 12 working days during the preceding calendar year, employed not
2 13 less than two and not more than fifty full-time equivalent
2 14 employees.
2 15 c. "Task force" means the United States preventive services
2 16 task force, or any successor organization, sponsored by the
2 17 agency for health care research and quality of the United
2 18 States department of health and human services.
2 19 5. Coverage required pursuant to this section shall not be
2 20 subject to policy, contract, or plan deductibles. Copayments
2 21 and coinsurance may apply to coverage required pursuant to
2 22 this section. For a health maintenance organization that
2 23 directly provides health care services to its enrollees, the
2 24 policy deductibles, copayments, coinsurance, and any other form
2 25 of cost sharing for the total costs associated with coverage
2 26 required by this section shall not exceed ten percent of the
2 27 cost of the preventive health care service required by this
2 28 section.
2 29 6. a. This section applies to the following classes of
2 30 third-party payment provider policies, contracts, or plans
2 31 delivered, issued for delivery, continued, or renewed in this
2 32 state on or after July 1, 2010:
2 33 (1) Individual or group accident and sickness insurance
2 34 providing coverage on an expense-incurred basis.
2 35 (2) An individual or group hospital or medical service



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3 1 contract issued pursuant to chapter 509, 514, or 514A.

3 2 (3) An individual or group health maintenance organization
3 3 contract regulated under chapter 514B.

3 4 (4) A policy, contract, or plan offered by an entity that
3 5 is engaged in the business of insurance, risk transfer, or
3 6 risk retention and that is subject to the jurisdiction of the
3 7 commissioner.

3 8 (5) A plan established pursuant to chapter 509A for public
3 9 employees.

3 10 (6) A policy, contract, or plan offered by an organized
3 11 delivery system licensed by the director of public health.

3 12 b. Notwithstanding paragraph "a", a small employer may
3 13 purchase health benefit coverage that does not include the
3 14 coverage required by this section.

3 15 c. This section shall not apply to accident-only, specified
3 16 disease, short-term hospital or medical, hospital confinement
3 17 indemnity, credit, dental, vision, Medicare supplement,
3 18 long-term care, basic hospital and medical-surgical expense
3 19 coverage as defined by the commissioner by rule, disability
3 20 income insurance coverage, coverage issued as a supplement
3 21 to liability insurance, workers' compensation or similar
3 22 insurance, or automobile medical payment insurance.

3 23 EXPLANATION

3 24 This bill creates new Code section 514C.26, which requires
3 25 that certain health insurance policies, contracts, or plans
3 26 provide coverage for preventive health services for colorectal
3 27 cancer screening for the early detection of colorectal cancer
3 28 and adenomatous polyps. The coverage is required for covered
3 29 persons who are asymptomatic, average-risk adults 55 years of
3 30 age or older or persons at high risk for colorectal cancer,
3 31 based on a number of specified factors.

3 32 The required coverage includes tests as determined by a
3 33 covered person's treating physician that detect colorectal
3 34 cancer or adenomatous polyps pursuant to a recommendation made
3 35 by the United States preventive services task force, sponsored



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4 1 by the agency for health care research and quality, which is
4 2 the health services research arm of the federal department
4 3 of health and human services. Such recommendations must be
4 4 based either on a strong recommendation by the task force
4 5 that there is good evidence or a recommendation that there is
4 6 fair evidence that the preventive health care service being
4 7 recommended improves important health outcomes and that the
4 8 benefits of the service outweigh the harms of providing the
4 9 service.

4 10 New Code section 514C.26 applies to specified classes of
4 11 third-party payment provider policies, contracts, or plans
4 12 delivered, issued for delivery, continued, or renewed in this
4 13 state on or after July 1, 2010. A small employer employing two
4 14 to 50 employees is not required to purchase the required health
4 15 services coverage. The Code section also does not apply to
4 16 specified limited types of health coverage.

LSB 5371XS (5) 83

av/sc



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Senate Study Bill 3083

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act to allow therapeutically certified optometrists to
2 supply pharmaceutical-delivering contact lenses.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5179SC (3) 83
jr/nh



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Senate Study Bill 3083 continued

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1 1 Section 1. Section 154.1, subsection 4, Code 2009, is
1 2 amended to read as follows:

1 3 4. a. Therapeutically certified optometrists may employ
1 4 all diagnostic and therapeutic pharmaceutical agents for the
1 5 purpose of diagnosis and treatment of conditions of the human
1 6 eye and adnexa pursuant to this subsection, excluding the
1 7 use of injections other than to counteract an anaphylactic
1 8 reaction, and notwithstanding section 147.107, may without
1 9 charge supply any of the above pharmaceuticals to commence a
1 10 course of therapy.

1 11 b. Therapeutically certified optometrists may
1 12 employ and, notwithstanding section 147.107, supply
1 13 pharmaceutical=delivering contact lenses for the purpose
1 14 of treatment of conditions of the human eye and adnexa.
1 15 For purposes of this paragraph, "pharmaceuticl=delivering
1 16 contact lenses" means contact lenses that contain one or more
1 17 therapeutic pharmaceutical agents authorized for employment
1 18 by this section for the purpose of treatment of conditions of
1 19 the human eye and adnexa and that deliver such agents into the
1 20 wearer's eye.

1 21 c. Therapeutically certified optometrists may prescribe
1 22 oral steroids for a period not to exceed fourteen days
1 23 without consultation with a physician. Therapeutically
1 24 certified optometrists shall not prescribe oral Imuran or oral
1 25 Methotrexate.

1 26 d. Therapeutically certified optometrists may be authorized,
1 27 where reasonable and appropriate, by rule of the board, to
1 28 employ new diagnostic and therapeutic pharmaceutical agents
1 29 approved by the United States food and drug administration on
1 30 or after July 1, 2002, for the diagnosis and treatment of the
1 31 human eye and adnexa.

1 32 e. The board shall not be required to adopt rules relating
1 33 to topical pharmaceutical agents, oral antimicrobial agents,
1 34 oral antihistamines, oral antiglaucoma agents, and oral
1 35 analgesic agents. Superficial foreign bodies may be removed



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Senate Study Bill 3083 continued

2 1 from the human eye and adnexa.
2 2 f. The therapeutic efforts of a therapeutically certified
2 3 optometrist are intended for the purpose of examination,
2 4 diagnosis, and treatment of visual defects, abnormal
2 5 conditions, and diseases of the human eye and adnexa, for
2 6 proper optometric practice or referral for consultation or
2 7 treatment to persons licensed under chapter 148.
2 8 g. A therapeutically certified optometrist is an optometrist
2 9 who is licensed to practice optometry in this state and who
2 10 is certified by the board to use the agents and procedures
2 11 authorized pursuant to this subsection.

2 12 EXPLANATION

2 13 Code section 154.1 authorizes therapeutically certified
2 14 optometrists to employ all diagnostic and therapeutic
2 15 pharmaceutical agents for the purpose of diagnosis and
2 16 treatment of conditions of the human eye and adnexa. This bill
2 17 allows therapeutically certified optometrists to also supply
2 18 pharmaceutical-delivering contact lenses for the purpose of
2 19 treatment of conditions of the human eye and adnexa. The bill
2 20 defines these lenses as contact lenses that contain one or more
2 21 of the authorized therapeutic pharmaceutical agents and that
2 22 deliver the agents into the wearer's eye.

LSB 5179SC (3) 83

jr/nh



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Senate Study Bill 3084

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to benefit coverage for medication therapy
2 management.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5295XC (4) 83
pf/rj



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Senate Study Bill 3084 continued

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1 1 Section 1. NEW SECTION. 514C.26 Medication therapy
1 2 management coverage.
1 3 1. As used in this section:
1 4 a. "Commissioner" means the commissioner of insurance.
1 5 b. "Medication therapy management" means a systematic
1 6 process performed by a licensed pharmacist, designed to
1 7 optimize therapeutic outcomes through improved medication use
1 8 and reduced risk of adverse drug events, including all of the
1 9 following services:
1 10 (1) A medication therapy review of all medications
1 11 currently being taken by an individual.
1 12 (2) A medication action plan communicated to the
1 13 individual and the individual's primary care physician
1 14 or other appropriate prescriber to address safety issues,
1 15 inconsistencies, duplicative therapy, omissions, and medication
1 16 costs. The medication action plan may include recommendations
1 17 to the prescriber for changes in drug therapy.
1 18 (3) Documentation and follow-up to ensure consistent levels
1 19 of pharmacy services and positive outcomes.
1 20 2. Notwithstanding the uniformity of treatment requirements
1 21 of section 514C.6, a contract, policy, or plan providing
1 22 for third-party payment or prepayment for health or medical
1 23 expenses that include pharmaceutical benefits shall provide
1 24 coverage for medication therapy management in accordance
1 25 with rules adopted by the commissioner. The provisions of
1 26 this section shall apply to all of the following classes of
1 27 third-party payment provider contracts, policies, or plans
1 28 delivered, issued for delivery, continued, or renewed in this
1 29 state on or after July 1, 2010:
1 30 a. Individual or group accident and sickness insurance
1 31 providing coverage on an expense-incurred basis.
1 32 b. An individual or group hospital or medical service
1 33 contract issued pursuant to chapter 509, 514, or 514A.
1 34 c. An individual or group health maintenance organization
1 35 contract regulated under chapter 514B.



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- 2 1 d. An individual or group Medicare supplemental policy,
2 2 unless coverage pursuant to such policy is preempted by federal
2 3 law.
- 2 4 e. A plan established pursuant to chapter 509A for public
2 5 employees.
- 2 6 3. This section shall not apply to accident-only, specified
2 7 disease, short-term hospital or medical, hospital confinement
2 8 indemnity, credit, dental, vision, long-term care, basic
2 9 hospital, and medical-surgical expense coverage as defined
2 10 by the commissioner, disability income insurance coverage,
2 11 coverage issued as a supplement to liability insurance,
2 12 workers' compensation or similar insurance, or automobile
2 13 medical payment insurance.
- 2 14 4. The commissioner shall adopt rules pursuant to chapter
2 15 17A regarding coverage of benefits for medication therapy
2 16 management based on all of the following:
- 2 17 a. Medication therapy management shall be a covered benefit
2 18 for any of the following individuals:
- 2 19 (1) An individual who takes four or more prescription drugs
2 20 to treat or prevent two or more chronic medical conditions.
- 2 21 (2) An individual who has a prescription drug therapy
2 22 problem as identified by the prescribing physician or other
2 23 appropriate prescriber, and is referred to a pharmacist for
2 24 medication therapy management.
- 2 25 (3) An individual who meets other criteria established by
2 26 the commissioner by rule in consultation with the director of
2 27 public health.
- 2 28 (4) An individual who meets other criteria established by
2 29 the third-party payment provider contract, policy, or plan
2 30 which is not inconsistent with or more restrictive than the
2 31 criteria otherwise specified in this paragraph "a".
- 2 32 b. Reimbursement of medication therapy management services
2 33 shall be separate from the reimbursement for prescription drug
2 34 product or dispensing services; shall be determined by each
2 35 third-party payment provider contract, policy, or plan; and



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3 1 shall be reasonably based on the resources and time required
3 2 to provide the services.
3 3 c. If any part of the medication therapy management
3 4 services provided by a pharmacist incorporates services which
3 5 are outside the pharmacist's independent scope of practice
3 6 including the initiation of therapy, modification of dosages,
3 7 therapeutic interchange, or changes in drug therapy, the
3 8 express authorization of the individual's physician or other
3 9 appropriate prescriber is required. Express authorization
3 10 includes but is not limited to a collaborative practice
3 11 agreement.

EXPLANATION

3 12 This bill relates to medication therapy management. The
3 13 bill defines "medication therapy management" and provides that
3 14 a contract, policy, or plan providing for third-party payment
3 15 or prepayment which includes coverage for health or medical
3 16 expenses that includes pharmaceutical benefits shall provide
3 17 coverage for medication therapy management in accordance
3 18 with rules adopted by the commissioner of insurance. The
3 19 bill specifies the classes of third-party payment provider
3 20 contracts, policies, or plans delivered, issued for delivery,
3 21 continued, or renewed in this state on or after July 1, 2010,
3 22 that must include or that are exempt from providing coverage
3 23 for medication therapy management. The bill directs the
3 24 commissioner of insurance to adopt rules pursuant to Code
3 25 chapter 17A regarding coverage of benefits for medication
3 26 therapy management based on specific provisions.

LSB 5295XC (4) 83

pf/rj



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Senate Study Bill 3085

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to the practice of chronic interventional pain
2 medicine and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5518XC (3) 83
jr/nh



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1 1 Section 1. NEW SECTION. 148F.1 Definitions.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Chronic interventional pain medicine" means the diagnosis
1 5 and treatment of pain-related disorders primarily with the
1 6 application of interventional techniques in managing subacute,
1 7 chronic, persistent, and intractable pain.
1 8 2. "Fluoroscope" means a radiologic instrument equipped with
1 9 a fluorescent screen on which opaque internal structures can
1 10 be viewed as moving shadow images formed by the differential
1 11 transmission of X rays throughout the body.
1 12 3. "Interventional techniques" means percutaneous needle
1 13 placement through which drugs are then placed in targeted
1 14 areas, nerves are ablated, or certain surgical procedures
1 15 involving injection of steroids, analgesics, or anesthetics are
1 16 performed. "Interventional techniques" include the following:
1 17 a. Lumbar, thoracic, and cervical spine injections,
1 18 intra-articular injection, intrathecal injections, and epidural
1 19 injections, both interlaminar and transforaminal.
1 20 b. Facet injections.
1 21 c. Discography.
1 22 d. Nerve destruction.
1 23 e. Occipital nerve blocks.
1 24 f. Cervical, thoracic, or lumbar sympathetic blocks.
1 25 g. Intradiscal electrothermal therapy.
1 26 h. Spinal cord stimulation or peripheral nerve stimulation.
1 27 i. Intrathecal pump placement.
1 28 j. Ablation of targeted nerves.
1 29 k. Vertebroplasty.
1 30 l. Kyphoplasty.
1 31 m. Utilization of fluoroscopy, computerized tomography,
1 32 or ultrasound to assess the cause or location of a patient's
1 33 chronic pain or as a means of accurately directing needles,
1 34 catheters, or electrodes as part of a therapeutic modality for
1 35 chronic pain treatment.



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2 1 Sec. 2. NEW SECTION. 148F.2 Prohibited practices ==
2 2 penalties.

2 3 A person shall not practice or offer to practice chronic
2 4 interventional pain medicine in this state unless such person
2 5 has been duly licensed under the provisions of chapter 148 to
2 6 engage in the practice of medicine and surgery or osteopathic
2 7 medicine and surgery, chapter 149 to engage in the practice
2 8 of podiatry, or chapter 153 to engage in the practice of
2 9 dentistry. Any person who violates this section commits
2 10 a serious misdemeanor, as provided in section 147.86, and
2 11 is subject to the injunction, punishment, and enforcement
2 12 provisions set forth in chapter 147.

2 13 EXPLANATION

2 14 This bill specifically defines the practice of chronic
2 15 interventional pain medicine and the techniques used in that
2 16 practice. The bill limits the practice of interventional pain
2 17 medicine to licensed physicians, podiatrists, or dentists.

2 18 A violation of the bill is a serious misdemeanor. A serious
2 19 misdemeanor is punishable by a fine of at least \$315 but not to
2 20 exceed \$1,875 and imprisonment not to exceed one year.

LSB 5518XC (3) 83

jr/nh



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Senate Study Bill 3086

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to the renewal of the family planning network
2 waiver under the medical assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5487XC (3) 83
pf/nh



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1 1 Section 1. IOWA FAMILY PLANNING NETWORK WAIVER RENEWAL. The
1 2 department of human services shall amend the medical assistance
1 3 waiver for the Iowa family planning network to continue the
1 4 current waiver with the following modifications which provide
1 5 for all of the following:

1 6 1. Coverage for women who meet all of the following
1 7 criteria:

1 8 a. Are uninsured or have health insurance coverage that
1 9 does not include coverage for benefits provided under the Iowa
1 10 family planning network.

1 11 b. Have income of up to 300 percent of the federal poverty
1 12 level.

1 13 c. Are under 55 years of age.

1 14 2. Coverage of pregnancy prevention services for men who
1 15 meet the income, age, and insurance coverage specifications
1 16 described in subsection 1.

1 17 EXPLANATION

1 18 This bill directs the department of human services (DHS) to
1 19 renew the Iowa family planning network waiver due for renewal
1 20 in 2011, which currently provides family planning services
1 21 to women through 44 years of age, who have incomes up to 200
1 22 percent of the federal poverty level, and who do not have
1 23 private insurance unless they require confidential services or
1 24 are not already enrolled in the Medicaid program, IowaCare, or
1 25 hawk=i. The bill directs DHS to amend the waiver to continue
1 26 the current waiver with modifications that allow for coverage
1 27 for women through 54 years of age, with incomes up to 300
1 28 percent of the federal poverty level, and who are uninsured,
1 29 or if they are insured, have benefits that do not include
1 30 coverage for the benefits provided under the Iowa family
1 31 planning network. The amendment would also request coverage of
1 32 pregnancy prevention services for men who meet the same income,
1 33 age, and insurance coverage specifications as women.

LSB 5487XC (3) 83

pf/nh



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Senate Study Bill 3087

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
OFFICE OF DRUG CONTROL
POLICY BILL)

A BILL FOR

1 An Act relating to the wearing of an alcohol monitoring
2 device as a condition of probation for certain
3 operating=while=intoxicated and related offenses.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5249DP (5) 83
rh/nh



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1 1 Section 1. Section 321J.1, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3A. "Continuous alcohol monitoring device"
1 4 means a portable device that automatically tests breath, blood,
1 5 or transdermal alcohol concentration levels at least once every
1 6 thirty minutes, detects tamper attempts regarding such device,
1 7 and automatically transmits such data to the appropriate
1 8 judicial district department of correctional services,
1 9 regardless of the location of the person being monitored.

1 10 Sec. 2. Section 321J.2, subsection 2, paragraph b, Code
1 11 2009, is amended to read as follows:

1 12 b. An aggravated misdemeanor for a second offense, and
1 13 shall be imprisoned in the county jail or community-based
1 14 correctional facility not less than seven days, and assessed a
1 15 fine of not less than one thousand eight hundred seventy-five
1 16 dollars nor more than six thousand two hundred fifty dollars.
1 17 In addition, as a condition of probation, the court may order
1 18 the defendant to abstain from consuming or using alcohol or any
1 19 product containing alcohol and to wear a continuous alcohol
1 20 monitoring device for a period of time not to exceed the
1 21 defendant's period of probation.

1 22 Sec. 3. Section 321J.2, subsection 2, paragraph c, Code
1 23 2009, is amended by adding the following new subparagraph:
1 24 NEW SUBPARAGRAPH. (3) In addition, as a condition of
1 25 probation, the court may order the defendant to abstain from
1 26 consuming or using alcohol or any product containing alcohol
1 27 and to wear a continuous alcohol monitoring device for a period
1 28 of time not to exceed the defendant's period of probation.

1 29 Sec. 4. Section 321J.4, subsection 8, paragraph f, Code
1 30 Supplement 2009, is amended to read as follows:

1 31 f. A person who tampers with or circumvents an ignition
1 32 interlock device installed under a court order while an order
1 33 is in effect commits a serious misdemeanor. In addition to any
1 34 other penalty for such violation, as a condition of probation,
1 35 the court may require the person to refrain from consuming or



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2 1 using alcohol or any other products containing alcohol and to
2 2 wear a continuous alcohol monitoring device for a period of
2 3 time not to exceed the defendant's period of probation.
2 4 Sec. 5. Section 321J.21, subsection 1, Code 2009, is amended
2 5 to read as follows:
2 6 1. A person whose driver's license or nonresident operating
2 7 privilege has been suspended, denied, revoked, or barred due
2 8 to a violation of this chapter and who drives a motor vehicle
2 9 while the license or privilege is suspended, denied, revoked,
2 10 or barred commits a serious misdemeanor. In addition to any
2 11 other penalties, the punishment imposed for a violation of this
2 12 subsection shall include assessment of a fine of one thousand
2 13 dollars. In addition, as a condition of probation, the court
2 14 may require the person to refrain from consuming or using
2 15 alcohol or any other products containing alcohol and to wear a
2 16 continuous alcohol monitoring device for a period of time not
2 17 to exceed the defendant's period of probation.
2 18 Sec. 6. Section 902.9, Code 2009, is amended by adding the
2 19 following new unnumbered paragraph:
2 20 NEW UNNUMBERED PARAGRAPH In addition to the penalties set
2 21 forth in this section or elsewhere in the Code, the court may
2 22 order the defendant, as a condition of probation, to abstain
2 23 from consuming or using alcohol or any product containing
2 24 alcohol and to wear a continuous alcohol monitoring device for
2 25 a period of time not to exceed the length of the defendant's
2 26 period of probation.
2 27 Sec. 7. Section 903.1, Code 2009, is amended by adding the
2 28 following new subsection:
2 29 NEW SUBSECTION. 5. In addition to the penalties set forth
2 30 in this section or elsewhere in the Code, the court may order
2 31 the defendant, as a condition of probation, to abstain from
2 32 consuming or using alcohol or any product containing alcohol
2 33 and to wear a continuous alcohol monitoring device for a period
2 34 of time not to exceed the length of the defendant's period of
2 35 probation.



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3 1 Sec. 8. Section 907.6, Code 2009, is amended to read as
3 2 follows:
3 3 907.6 Conditions of probation == regulations.
3 4 1. Probationers are subject to the conditions established
3 5 by the judicial district department of correctional services
3 6 subject to the approval of the court, and any additional
3 7 reasonable conditions which the court or district department
3 8 may impose to promote rehabilitation of the defendant or
3 9 protection of the community. Conditions may include but are
3 10 not limited to adherence to regulations generally applicable
3 11 to persons released on parole and including requiring unpaid
3 12 community service as allowed pursuant to section 907.13.
3 13 2. In addition to any other conditions or penalties
3 14 applicable pursuant to this section or elsewhere in the Code,
3 15 the court may order or the judicial district department of
3 16 correctional services may require, subject to the approval
3 17 of the court, that as a condition of probation the defendant
3 18 abstain from consuming or using alcohol or any product
3 19 containing alcohol and wear a continuous alcohol monitoring
3 20 device for a period of time not to exceed the length of the
3 21 defendant's period of probation.

3 22 EXPLANATION
3 23 This bill provides that a person who is placed on
3 24 probation for a conviction of a second or subsequent
3 25 operating-while-intoxicated offense, who tampers with or
3 26 circumvents an ignition interlock device installed under a
3 27 court order while an order is in effect, or who drives a motor
3 28 vehicle while the person's driver's license or nonresident
3 29 operating privilege is suspended, denied, revoked, or barred
3 30 may be required by the court to refrain from consuming or using
3 31 alcohol or any other products containing alcohol and to wear a
3 32 continuous alcohol monitoring device for a period of time not
3 33 to exceed the defendant's period of probation.
3 34 The bill makes conforming changes to general sentencing
3 35 provisions relating to felons and misdemeanants, and for



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4 1 persons on probation.

4 2 The bill defines a continuous alcohol monitoring device as
4 3 a portable device that automatically tests breath, blood, or
4 4 transdermal alcohol concentration levels at least once every
4 5 30 minutes, detects tamper attempts regarding such device, and
4 6 automatically transmits such data to the appropriate judicial
4 7 district department of correctional services, regardless of the
4 8 location of the person being monitored.

LSB 5249DP (5) 83

rh/nh



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Senate Study Bill 3088

SENATE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to emergency preparedness for assisted living
2 programs and elder group homes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5820SC (1) 83
pf/sc



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

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

1 13 EXPLANATION

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

LSB 5820SC (1) 83

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Senate Study Bill 3089

SENATE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to disclosures concerning the availability of
2 flood insurance and sewer back-up insurance coverage and
3 flood damage to property being transferred.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5317SC (2) 83
av/sc



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1 1 Section 1. NEW SECTION. 515.138A Disclosure of availability
1 2 of flood and sewer back=up insurance coverage.

1 3 When an insurance company or association receives an
1 4 application for the issue or renewal of a policy of homeowner's
1 5 or renter's insurance coverage, an insurance producer licensed
1 6 under chapter 522B who is an agent of the insurance company or
1 7 association shall discuss with the applicant whether there is a
1 8 need for and the availability of flood insurance and optional
1 9 sewer back=up coverage. At that time the insurance producer
1 10 shall obtain a completed disclosure form signed and dated by
1 11 the applicant which states that the need for and availability
1 12 of flood insurance and optional sewer back=up coverage was
1 13 discussed with the applicant and the applicant either accepted
1 14 or declined to purchase such coverage.

1 15 Sec. 2. Section 558.70, subsection 1, Code 2009, is amended
1 16 to read as follows:

1 17 1. Prior to executing a residential real estate installment
1 18 sales contract, the contract seller shall deliver a written
1 19 contract disclosure statement to the contract purchaser which
1 20 shall clearly set forth the following information:

1 21 a. If the real estate subject to the contract has been
1 22 separately assessed for property tax purposes, the current
1 23 assessed value of the real estate.

1 24 b. (1) A complete description of any property taxes due
1 25 and payable on the real estate and a complete description of
1 26 any special assessment on the real estate and the term of the
1 27 assessment.

1 28 (2) Information on whether any property taxes or
1 29 special assessments are delinquent and whether any tax sale
1 30 certificates have been issued for delinquent property taxes or
1 31 special assessments on the real estate.

1 32 c. Information on the flood plain designation that has
1 33 been assigned to the property and, to the best of the seller's
1 34 knowledge, whether the property has ever been inundated by a
1 35 flood or payment has been made pursuant to flood insurance



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2 1 coverage or federal assistance has been received on account of
2 2 flood damage to the property.

2 3 ~~e.~~ d. A complete description of any mortgages or other
2 4 liens encumbering or secured by the real estate, including
2 5 the identity and address of the current owner of record with
2 6 respect to each such mortgage or lien, as well as a description
2 7 of the total outstanding balance and due date under any such
2 8 mortgage or lien.

2 9 ~~d.~~ e. A complete amortization schedule for all payments to
2 10 be made pursuant to the contract, which amortization schedule
2 11 shall include information on the portion of each payment to be
2 12 applied to principal and the portion to be applied to interest.

2 13 ~~e.~~ f. If the contract requires a balloon payment, a
2 14 complete description of the balloon payment, including the date
2 15 the payment is due, the amount of the balloon payment, and
2 16 other terms related to the balloon payment. For purposes of
2 17 this paragraph, a "balloon payment" is any scheduled payment
2 18 that is more than twice as large as the average of earlier
2 19 scheduled payments.

2 20 ~~f.~~ g. The annual rate of interest to be charged under the
2 21 contract.

2 22 ~~g.~~ h. A statement that the purchaser has a right to seek
2 23 independent legal counsel concerning the contract and any
2 24 matters pertaining to the contract.

2 25 ~~h.~~ i. A statement that the purchaser has a right to receive
2 26 a true and complete copy of the contract after it has been
2 27 executed by all parties to the contract.

2 28 ~~i.~~ j. The mailing address of each party to the contract.

2 29 ~~j.~~ k. If the contract is subject to forfeiture, a statement
2 30 that if the purchaser does not comply with the terms of the
2 31 contract, the purchaser may lose all rights in the real estate
2 32 and all sums paid under the contract.

2 33 Sec. 3. Section 558A.4, Code 2009, is amended by adding the
2 34 following new subsection:
2 35 NEW SUBSECTION. 1A. The disclosure statement shall include



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3 1 questions requiring the seller to disclose the flood plain
3 2 designation that has been assigned to the property and, to the
3 3 best of the seller's knowledge, whether the property has ever
3 4 been inundated by a flood or payment has been made pursuant
3 5 to flood insurance coverage or federal assistance has been
3 6 received on account of flood damage to the property.

3 7 EXPLANATION

3 8 This bill relates to disclosures concerning the availability
3 9 of flood insurance and optional sewer back-up insurance
3 10 coverage and flood damage to property being transferred.

3 11 New Code section 515.138A requires that when an insurance
3 12 company or association receives an application for the issue
3 13 or renewal of a policy of homeowner's or renter's insurance,
3 14 a licensed insurance producer must discuss with the applicant
3 15 whether there is a need for and the availability of flood
3 16 insurance and optional sewer back-up coverage. At that time
3 17 the insurance producer must also obtain a completed disclosure
3 18 form signed and dated by the applicant which states that this
3 19 information was discussed and the applicant either accepted or
3 20 declined to purchase the coverage.

3 21 New Code sections 558.70(1)(c) and 558A.4(1A) require that
3 22 the written property condition disclosure statements required
3 23 for transfers of real estate subject to Code chapters 558 and
3 24 558A must include questions requiring the seller to disclose
3 25 the flood plain designation that has been assigned to the
3 26 property and, to the best of the seller's knowledge, whether
3 27 the property has ever been inundated by a flood or payment
3 28 has been made pursuant to flood insurance coverage or federal
3 29 assistance has been received on account of flood damage to the
3 30 property.

LSB 5317SC (2) 83

av/sc



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Senate Study Bill 3090

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF COMMERCE/INSURANCE
DIVISION BILL)

A BILL FOR

1 An Act relating to various matters under the purview of the
2 insurance division of the department of commerce including
3 the Iowa grain indemnity fund board, uniform securities Act,
4 examination of insurance companies, life insurance companies
5 and associations, external review of health care coverage
6 decisions, insurance other than life, mortgage guaranty
7 insurance, cemetery and funeral merchandise and funeral
8 services, and regulation of cemeteries and making penalties
9 applicable.
10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 5409XD (11) 83
 av/nh



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1 1 Section 1. Section 20.4, Code Supplement 2009, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 13. Full-time nonclerical employees of
1 4 the company regulation bureau of the insurance division of the
1 5 department of commerce.
1 6 Sec. 2. Section 22.7, Code Supplement 2009, is amended by
1 7 adding the following new subsection:
1 8 NEW SUBSECTION. 65. Information obtained by the
1 9 commissioner of insurance in the course of an examination of a
1 10 cemetery as provided in section 523I.213A, subsection 7.
1 11 Sec. 3. Section 203D.4, subsection 1, Code 2009, is amended
1 12 to read as follows:
1 13 1. The Iowa grain indemnity fund board is established
1 14 to advise the department on matters relating to the fund
1 15 and to perform the duties provided it in this chapter. The
1 16 board is composed of the secretary of agriculture or a
1 17 designee who shall serve as president; ~~the commissioner of~~
~~1 18 insurance or a designee who shall serve as secretary;~~ the
1 19 state treasurer or a designee who shall serve as treasurer;
1 20 and four representatives of the grain industry appointed by
1 21 the governor, subject to confirmation by the senate, two of
1 22 whom shall be representatives of producers and who shall
1 23 be actively participating producers, and two of whom shall
1 24 be representatives of licensed grain dealers and licensed
1 25 warehouse operators and who shall be actively participating
1 26 licensed grain dealers and licensed warehouse operators, each
1 27 of whom shall be selected from a list of three nominations
1 28 made by the secretary of agriculture. The term of membership
1 29 of the grain industry representatives is three years, and the
1 30 representatives are eligible for reappointment. However,
1 31 only actively participating producers, and grain dealers and
1 32 warehouse operators are eligible for reappointment. The
1 33 grain industry representatives are entitled to a per diem as
1 34 specified in section 7E.6 for each day spent in the performance
1 35 of the duties of the board, plus actual expenses incurred in



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2 1 the performance of those duties. Four members of the board
2 2 constitute a quorum, and the affirmative vote of four members
2 3 is necessary for any action taken by the board, except that
2 4 a lesser number may adjourn a meeting. A vacancy in the
2 5 membership of the board does not impair the rights of a quorum
2 6 to exercise all the rights and perform all the duties of the
2 7 board.

2 8 Sec. 4. Section 502.305, subsection 2, Code Supplement
2 9 2009, is amended to read as follows:

2 10 2. Filing. Except as provided in subsection 10 and section
2 11 502.304A, subsection 3, paragraph "g", a person who files a
2 12 registration statement or a notice filing shall pay a filing
2 13 fee of one-tenth of one percent of the proposed aggregate
2 14 sales price of the securities to be offered to persons in
2 15 this state pursuant to the registration statement or notice
2 16 filing. However, except as provided in subsection 10, section
2 17 502.302, subsection 1, paragraph "a", and section 502.304A,
2 18 subsection 3, paragraph "g", the annual filing fee shall not
2 19 be less than fifty dollars or more than one thousand dollars.
2 20 The administrator shall retain the filing fee even if the
2 21 notice filing is withdrawn or the registration is withdrawn,
2 22 denied, suspended, revoked, or abandoned. The fees collected
2 23 under this subsection shall be deposited as provided in section
2 24 505.7. The administrator may adopt rules requiring a filing
2 25 to be made electronically. The rules may provide for such
2 26 electronic filing either directly with the administrator or
2 27 with a designee of the administrator. The rules may require
2 28 that the filer pay any reasonable costs charged by the designee
2 29 of the administrator for processing the filings and that the
2 30 filer submit any fees paid through the designee.

2 31 Sec. 5. Section 507.4, subsection 2, Code 2009, is amended
2 32 to read as follows:

2 33 2. The commissioner may, when in the commissioner's
2 34 judgment it is advisable, appoint assistants to aid in
2 35 conducting examinations. ~~The commissioner shall employ~~



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~~3 1 rates of compensation consistent with current standards in
3 2 the industry for certified public accountants, attorneys,
3 3 and skilled insurance examiners. The commissioner may use
3 4 compensation rates suggested by the national association of
3 5 insurance commissioners. Insurance examiners employed under
3 6 this section shall be exempt from the merit system provisions
3 7 of chapter 8A, subchapter IV, under section 8A.412, subsection
3 8 17. Pay plans which are substantially equivalent to those
3 9 for examiners under section 524.208 shall be established for
3 10 exempt company regulation bureau employees who examine the
3 11 accounts and affairs of companies subject to the supervision
3 12 and regulation of the commissioner. Compensation shall be paid
3 13 from appropriations for such purposes upon certification of the
3 14 commissioner, which shall be reimbursed as provided in sections
3 15 507.8 and 507.9.~~

3 16 Sec. 6. NEW SECTION. 508.33A Limited purpose subsidiary
3 17 life insurance companies.

3 18 1. As used in this section unless the context otherwise
3 19 requires:

3 20 a. "Affiliated company" means a domestic life insurance
3 21 company that is a directly or indirectly wholly owned
3 22 subsidiary of the same parent.

3 23 b. "Parent" means a person as defined in section 521A.1
3 24 who directly or indirectly through one or more intermediaries
3 25 wholly owns the organizing life insurance company.

3 26 c. "Risks" means risks associated with the life insurance
3 27 policies and contracts written by the ceding domestic life
3 28 insurance company or assumed by the ceding domestic life
3 29 insurance company from an affiliated company, which were
3 30 written by the affiliated company and for which the ceding
3 31 domestic life insurance company holds direct statutory reserves
3 32 for those policies and contracts as required by section 508.36.

3 33 2. a. A domestic life insurance company organized pursuant
3 34 to the provisions of this chapter may organize a domestic
3 35 limited purpose subsidiary life insurance company pursuant



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4 1 to the provisions of this chapter that is wholly owned by
4 2 the organizing life insurance company. The limited purpose
4 3 subsidiary life insurance company may reinsure risks of the
4 4 organizing life insurance company, reinsure risks of affiliated
4 5 companies, and access alternative forms of financing.

4 6 b. A limited purpose subsidiary life insurance company
4 7 shall submit a plan of operation to the commissioner, and the
4 8 commissioner shall approve the plan of operation with such
4 9 amendments as the commissioner requires, before the limited
4 10 purpose subsidiary life insurance company assumes any risks
4 11 under a reinsurance contract. The plan of operation and any
4 12 records, books, documents, reports, or other information that
4 13 the commissioner requires a limited purpose subsidiary life
4 14 insurance company to produce or disclose pursuant to rules
4 15 adopted under subsection 6 or pursuant to an order of the
4 16 commissioner shall be treated the same as information obtained
4 17 by or disclosed to the commissioner pursuant to section 521A.6
4 18 and the commissioner shall have the powers enumerated in
4 19 section 521A.6 as to that insurer.

4 20 3. The organizing life insurance company may invest funds
4 21 from its surplus in a limited purpose subsidiary life insurance
4 22 company organized pursuant to this section.

4 23 4. The organizing life insurance company's officers and
4 24 directors may serve as officers and directors of a limited
4 25 purpose subsidiary life insurance company organized pursuant to
4 26 this section.

4 27 5. A limited purpose subsidiary life insurance company
4 28 organized pursuant to this section shall be deemed to be
4 29 licensed to transact the business of reinsurance for the
4 30 purposes of section 521B.2, subsection 1, but may only
4 31 reinsure risks of its organizing life insurance company and
4 32 of affiliated companies. A limited purpose subsidiary life
4 33 insurance company organized pursuant to this section may, upon
4 34 approval of the commissioner, purchase reinsurance to cede the
4 35 reinsurance risks assumed by the limited purpose subsidiary



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5 1 life insurance company.

5 2 6. The commissioner shall adopt rules pursuant to chapter
5 3 17A concerning limited purpose subsidiary life insurance
5 4 companies, including but not limited to the organization, plans
5 5 of operation, capital requirements including risk-based capital
5 6 requirements, reserves, authorized investments, reinsurance
5 7 assumed, material transaction restrictions and requirements,
5 8 dividends and distributions, operations, and the conditions,
5 9 forms, and approval of financing of limited purpose subsidiary
5 10 life insurance companies organized pursuant to this section.

5 11 7. Admitted assets of a limited purpose subsidiary
5 12 life insurance company shall include assets approved by
5 13 the commissioner which shall be deemed to be, and reported
5 14 as, admitted assets of the limited purpose subsidiary life
5 15 insurance company.

5 16 8. The provisions of sections 508.5, 508.6, and 511.8,
5 17 section 521.2, subsection 4, sections 521A.4 and 521A.5, and
5 18 chapter 521E shall not be applicable to a limited purpose
5 19 subsidiary life insurance company organized pursuant to this
5 20 section.

5 21 9. A limited purpose subsidiary life insurance company
5 22 shall not be organized pursuant to this section prior to the
5 23 effective date of rules adopted by the commissioner regulating
5 24 the organization and operation of limited purpose subsidiary
5 25 life insurance companies as provided in subsection 6.

5 26 Sec. 7. Section 511.8, subsection 5, Code Supplement 2009,
5 27 is amended to read as follows:

5 28 5. Corporate obligations. Subject to the restrictions
5 29 contained in subsection 8 ~~hereof~~, bonds or other evidences of
5 30 indebtedness issued, assumed, or guaranteed by a corporation
5 31 incorporated under the laws of the United States of America, or
5 32 of any state, district, or insular or territorial possession
5 33 thereof; or of the Dominion of Canada, or any province thereof;
5 34 and which meet the following qualifications:

5 35 a. (1) If fixed interest-bearing obligations, the net



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6 1 earnings of the issuing, assuming, or guaranteeing corporation
6 2 available for its fixed charges for a period of five fiscal
6 3 years next preceding the date of acquisition of the obligations
6 4 by such insurance company shall have averaged per year not
6 5 less than one and one-half times such average annual fixed
6 6 charges of the issuing, assuming, or guaranteeing corporation
6 7 applicable to such period, and, during at least one of the last
6 8 two years of such period, its net earnings shall have been
6 9 not less than one and one-half times its fixed charges for
6 10 such year; or if, at the date of acquisition, the obligations
6 11 are adequately secured and have investment qualities and
6 12 characteristics wherein the speculative elements are not
6 13 predominant.

6 14 (2) However, with respect to fixed interest-bearing
6 15 obligations which are issued, assumed, or guaranteed by a
6 16 financial company, the net earnings by the financial company
6 17 available for its fixed charges for the period of five fiscal
6 18 years preceding the date of acquisition of the obligations by
6 19 the insurance company shall have averaged per year not less
6 20 than one and one-fourth times such average annual fixed charges
6 21 of the issuing, assuming, or guaranteeing financial company
6 22 applicable to such period, and, during at least one of the last
6 23 two years of the period, its net earnings shall have been not
6 24 less than one and one-fourth times its fixed charges for such
6 25 year; or if, at the date of acquisition, the obligations are
6 26 adequately secured and speculative elements are not predominant
6 27 in their investment qualities and characteristics. As used
6 28 in this ~~paragraph~~ subparagraph (2), "financial company" means
6 29 a corporation which on the average over its last five fiscal
6 30 years preceding the date of acquisition of its obligations
6 31 by the insurer, has had at least fifty percent of its net
6 32 income, including income derived from subsidiaries, derived
6 33 from the business of wholesale, retail, installment, mortgage,
6 34 commercial, industrial or consumer financing, or from banking
6 35 or factoring, or from similar or related lines of business.



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7 1 b. If adjustment, income, or other contingent interest
7 2 obligations, the net earnings of the issuing, assuming, or
7 3 guaranteeing corporation available for its fixed charges
7 4 for a period of five fiscal years next preceding the date
7 5 of acquisition of the obligations by such insurance company
7 6 shall have averaged per year not less than one and one-half
7 7 times such average annual fixed charges of the issuing,
7 8 assuming, or guaranteeing corporation and its average annual
7 9 maximum contingent interest applicable to such period and,
7 10 during at least one of the last two years of such period, its
7 11 net earnings shall have been not less than one and one-half
7 12 times the sum of its fixed charges and maximum contingent
7 13 interest for such year, or if, at the date of acquisition,
7 14 the obligations are adequately secure and have investment
7 15 qualities and characteristics and speculative elements are not
7 16 predominant.

7 17 c. Are securities that at the date of acquisition are
7 18 rated three by the securities valuation office of the
7 19 national association of insurance commissioners or have the
7 20 equivalent rating by a rating organization that is approved
7 21 by the national association of insurance commissioners as an
7 22 acceptable rating organization and are listed or admitted to
7 23 trading on a securities exchange in the United States or are
7 24 publicly held and actively traded in the over-the-counter
7 25 market and market quotations are readily available. If
7 26 a security acquired under this paragraph is subsequently
7 27 downgraded from a three rating by the securities valuation
7 28 office of the national association of insurance commissioners
7 29 or the equivalent by a national association of insurance
7 30 commissioners' acceptable rating organization, the security no
7 31 longer qualifies as a legal reserve investment.

7 32 d. The term "net earnings available for fixed charges" as
7 33 used ~~herein shall mean~~ in this section means the net income
7 34 after deducting all operating and maintenance expenses, taxes
7 35 other than any income taxes, depreciation, and depletion, but



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8 1 nonrecurring items of income or expense may be excluded.
8 2 e. The term "fixed charges" as used ~~herein shall include in~~
8 3 this section includes interest on unfunded debt and funded debt
8 4 on a parity with or having a priority to the obligation under
8 5 consideration.
8 6 f. The term "corporation" as used in this chapter includes
8 7 a joint stock association, a limited liability company, a
8 8 partnership, or a trust.
8 9 g. The securities, real estate, and mortgages described in
8 10 this section include participations, which means instruments
8 11 evidencing partial or undivided collective interests in such
8 12 securities, real estate, and mortgages.
8 13 Sec. 8. Section 511.8, subsection 8, Code Supplement 2009,
8 14 is amended by adding the following new paragraph:
8 15 NEW PARAGRAPH. d. In addition to the restrictions contained
8 16 in paragraphs "a" and "b", the investments of any company
8 17 or association in securities included under subsection 5,
8 18 paragraph "c", are not eligible in excess of two percent of the
8 19 legal reserve, but not more than one-eighth of one percent of
8 20 the legal reserve shall be invested in the securities of any
8 21 one corporation.
8 22 Sec. 9. Section 511.8, subsection 16, Code Supplement 2009,
8 23 is amended to read as follows:
8 24 16. Deposit of securities.
8 25 a. Securities in an amount not less than the legal reserve
8 26 as defined in this section shall be deposited and the deposit
8 27 maintained with the commissioner of insurance or at such places
8 28 as the commissioner may designate as will properly safeguard
8 29 them. There may be included in the deposit an amount of cash
8 30 on hand not in excess of five percent of the deposit required,
8 31 that deposit to be evidenced by a certified check, certificate
8 32 of deposit, or other evidence satisfactory to the commissioner
8 33 of insurance. Deposits of securities may be made in excess
8 34 of the amounts required by this section. A stock company
8 35 organized under the laws of this state shall not be required to



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9 1 make a deposit until the legal reserve, as ascertained by the
9 2 commissioner, exceeds the amount deposited by it as capital.
9 3 Real estate may be made a part of the deposit by furnishing
9 4 evidence of ownership satisfactory to the commissioner and
9 5 by conveying the real estate to the commissioner or the
9 6 commissioner's successors in office by warranty deed. The
9 7 commissioner and the successors in office shall hold the real
9 8 estate in trust for the benefit of the policyholders of the
9 9 company or members of the association. Real estate mortgage
9 10 loans and policy loans may be made a part of the deposit by
9 11 filing a verified statement of the loans with the commissioner,
9 12 which statement is subject to check at the discretion of the
9 13 commissioner.

9 14 b. The securities comprising the deposit of a company
9 15 or association against which proceedings are pending under
9 16 section 508.18 shall vest in the state for the benefit of all
9 17 policyholders of the company or association.

9 18 c. Securities or title to real estate on deposit may be
9 19 withdrawn at any time and other eligible securities may be
9 20 substituted, provided the amount maintained on deposit is
9 21 equal to the sum of the legal reserve and twenty-five thousand
9 22 dollars. In the case of real estate the commissioner shall
9 23 execute and deliver to the company or association a quitclaim
9 24 deed to the real estate. Any company or association shall,
9 25 if requested by the commissioner, at the time of withdrawing
9 26 any securities on deposit, designate for what purpose the
9 27 ~~same~~ securities are being withdrawn.

9 28 d. Companies or associations having securities or title
9 29 to real estate on deposit with the commissioner of insurance
9 30 shall have the right to collect all dividends, interest, rent,
9 31 or other income from the deposit unless proceedings against
9 32 the company or association are pending under section 508.18,
9 33 in which event the commissioner shall collect such interest,
9 34 dividends, rent, or other income and add the same to the
9 35 deposit.



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10 1 e. Any company or association receiving payments or partial
10 2 payments of principal on any securities deposited with the
10 3 commissioner of insurance shall notify the commissioner of such
10 4 fact at such times and in such manner as the commissioner may
10 5 prescribe, giving the amount and date of payment.

10 6 f. The commissioner of insurance may receive on deposit
10 7 securities or title to real estate of alien companies
10 8 authorized to do business in the state of Iowa, for the purpose
10 9 of securing its policyholders in the state of Iowa and the
10 10 United States. The provisions ~~hereof~~ of this subsection not
10 11 inconsistent with the deposit agreement shall apply to the
10 12 deposits of such alien companies.

10 13 g. Common stocks or shares issued by any federal home
10 14 loan bank eligible for inclusion in the legal reserve under
10 15 subsection 18, paragraph "c", may be made a part of a deposit
10 16 by filing a verified statement of the common stocks or shares
10 17 issued by a federal home loan bank that are held in the legal
10 18 reserve. Attached to the statement shall be the annual capital
10 19 stock statement of the respective federal home loan bank
10 20 showing membership stock balance and activity-based stock
10 21 balance.

10 22 Sec. 10. Section 511.8, subsection 23, paragraphs c and e,
10 23 Code Supplement 2009, are amended to read as follows:

10 24 c. If the loan is collateralized by cash or cash
10 25 equivalents, the cash or cash equivalent collateral may be
10 26 reinvested by the life insurance company or association in
10 27 ~~either~~ class one money market funds as defined in subsection
10 28 24, individual securities which are eligible for inclusion
10 29 in the legal reserve of the life insurance company or
10 30 association, or in repurchase agreements fully collateralized
10 31 by such securities if the life insurance company or association
10 32 takes delivery of the collateral either directly or through an
10 33 authorized custodian or pooled fund comprised of individual
10 34 securities which are eligible for inclusion in the legal
10 35 reserve of the life insurance company or association. If such



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11 1 reinvestment is made in individual securities or in repurchase
11 2 agreements, the individual securities or the securities which
11 3 collateralize the repurchase agreements shall mature in less
11 4 than two hundred seventy days. If such reinvestment is made
11 5 in a pooled fund, the average maturity of the securities
11 6 comprising such pooled fund must be ~~less than two hundred~~
~~11 7 seventy one hundred eighty days or less and the individual~~
11 8 maturities of the securities comprising such pooled fund
11 9 must be three hundred ninety-seven days or less. Individual
11 10 securities and securities comprising the pooled fund shall be
11 11 investment grade. As used in this paragraph, "maturity" means
11 12 the earlier of the fixed date on which the holder of the
11 13 security is unconditionally entitled to receive principal
11 14 and interest in full or the date on which the holder of the
11 15 security is unconditionally entitled upon demand to receive
11 16 principal and interest in full.

11 17 e. Securities loaned pursuant to this subsection
11 18 are not eligible for inclusion in the legal reserve of
11 19 the life insurance company or association in excess of
11 20 ~~twenty ten~~ percent of the legal reserve.

11 21 Sec. 11. Section 511.8, subsection 23, Code Supplement
11 22 2009, is amended by adding the following new paragraph:

11 23 NEW PARAGRAPH. f. A life insurance company or association
11 24 may continue to hold in the legal reserve of the life insurance
11 25 company or association securities which are the subject of a
11 26 reverse repurchase agreement. If such securities are held in
11 27 the legal reserve of a life insurance company or association,
11 28 the securities shall be subject to the limitations of paragraph
11 29 "e" as if they were securities loaned pursuant to this
11 30 subsection.

11 31 Sec. 12. Section 514J.7, subsection 2, Code 2009, is amended
11 32 to read as follows:

11 33 2. The independent review entity, within three business
11 34 days of receipt of the notice, shall select a person to perform
11 35 the external review and shall provide notice to the enrollee



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12 1 and the carrier containing a brief description of the person
12 2 including the reasons the person selected is an expert in
12 3 the treatment of the medical condition under review. The
12 4 independent review entity ~~does not need to~~ shall, upon request
12 5 from the enrollee or the enrollee's treating health care
12 6 provider, disclose the name of the person. A copy of the
12 7 notice shall be sent by facsimile to the commissioner. If the
12 8 independent review entity does not have a person who is an
12 9 expert in the treatment of the medical condition under review
12 10 and certified by the commissioner to conduct an independent
12 11 review, the independent review entity may either decline the
12 12 review request or may request from the commissioner additional
12 13 time to have such an expert certified. The independent review
12 14 entity shall notify the commissioner by facsimile of its choice
12 15 between these options within three business days of receipt of
12 16 the notice from the carrier or organized delivery system. The
12 17 commissioner shall provide a notice to the enrollee and carrier
12 18 or organized delivery system of the independent review entity's
12 19 decision and of the commissioner's decision as to how to
12 20 proceed with the external review process within three business
12 21 days of receipt of the independent review entity's decision.
12 22 Sec. 13. Section 515.125, subsection 1, Code 2009, is
12 23 amended to read as follows:
12 24 1. Unless otherwise provided in section 515.127, ~~or~~
12 25 515.128, 515.129A, 515.129B, or 515.129C, a policy or contract
12 26 of insurance provided for in this chapter shall not be
12 27 forfeited, suspended, or canceled except by notice to the
12 28 insured as provided in this chapter. A notice of cancellation
12 29 is not effective unless mailed or delivered by the insurer to
12 30 the named insured at least thirty days before the effective
12 31 date of cancellation, or, where cancellation is for nonpayment
12 32 of a premium, assessment, or installment provided for in the
12 33 policy, or in a note or contract for the payment thereof, at
12 34 least ten days prior to the date of cancellation. The notice
12 35 may be made in person, or by sending by mail a letter addressed



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13 1 to the insured at the insured's address as given in or upon
13 2 the policy, anything in the policy, application, or a separate
13 3 agreement to the contrary notwithstanding.
13 4 Sec. 14. NEW SECTION. 515.129A Cancellation of personal
13 5 lines policies or contracts.
13 6 1. A personal lines policy or contract of insurance which
13 7 has been in effect for more than sixty days shall not be
13 8 canceled except by notice to the insured as provided in this
13 9 chapter.
13 10 2. Notice of cancellation of a personal lines policy or
13 11 contract of insurance is not effective unless the cancellation
13 12 is based on one or more of the following reasons:
13 13 a. Nonpayment of premium.
13 14 b. Failure to pay dues or fees where payment of dues or fees
13 15 is a prerequisite to obtaining or continuing insurance coverage
13 16 in force.
13 17 c. Discovery of fraud or material misrepresentation made
13 18 by or with the knowledge of the named insured in obtaining,
13 19 continuing, or presenting a claim under the policy.
13 20 d. Actions by the insured which substantially change or
13 21 increase the risk insured.
13 22 e. The insured has acted in a manner which the insured knew
13 23 or should have known was in violation or breach of a term or
13 24 condition of the insurance policy or contract.
13 25 f. The occurrence of a change in the risk that substantially
13 26 increases a hazard insured against after insurance coverage has
13 27 been issued or renewed.
13 28 Sec. 15. NEW SECTION. 515.129B Nonrenewal of personal lines
13 29 policies or contracts.
13 30 1. An insurer shall not refuse to renew a personal lines
13 31 policy or contract of insurance unless at least thirty days
13 32 before the end of the policy or contract period the insurer
13 33 delivers or mails to the first named insured, at the last known
13 34 address of the first named insured, written notice of the
13 35 insurer's intention not to renew the policy or contract upon



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14 1 expiration of the current policy or contract period as provided
14 2 in section 515.129C.

14 3 2. The notice of intention not to renew shall include or be
14 4 accompanied by a written explanation of the insurer's specific
14 5 reason or reasons for the nonrenewal.

14 6 Sec. 16. NEW SECTION. 515.129C Notice of renewal or
14 7 nonrenewal of personal lines policies of contracts.

14 8 1. At least thirty days before the end of the policy or
14 9 contract term, an insurer shall mail or deliver to the last
14 10 known address of the first named insured a renewal policy or
14 11 contract, an offer to renew the current policy or contract, or
14 12 a notice of nonrenewal of the policy or contract. Information
14 13 concerning the renewal policy or contract, the offer to
14 14 renew the policy or contract, or the notice of nonrenewal of
14 15 the policy or contract shall also be mailed, delivered, or
14 16 transmitted electronically to the last known address of the
14 17 producer of record of the policy or contract. Proof of such
14 18 mailing or delivery to the first named insured's last known
14 19 address shall be maintained by the insurer.

14 20 a. An offer to renew the policy or contract shall state
14 21 the renewal premium and the date that the premium is due. The
14 22 renewal premium shall be based on the known exposure as of the
14 23 date of the offer to renew.

14 24 b. If the renewal premium is not received by the due date
14 25 or the policy or contract expiration date, whichever is later,
14 26 the policy or contract lapses.

14 27 2. If an insurer fails to comply with the notice
14 28 requirements of this section, the policy or contract shall be
14 29 extended on the same terms and conditions for another policy or
14 30 contract term or until the effective date of similar insurance
14 31 procured by the insured, whichever is earlier. The insurer may
14 32 make continued coverage contingent upon the payment of premium.

14 33 3. Renewal of a policy or contract does not constitute a
14 34 waiver or estoppel with respect to grounds for cancellation
14 35 that existed before the effective date of the renewal.



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15 1 Sec. 17. Section 515C.5, Code 2009, is amended to read as
15 2 follows:
15 3 515C.5 Limit of outstanding liability.
15 4 1. Unless a request to suspend the requirements of
15 5 this section is granted by the commissioner as set forth in
15 6 subsection 2, a mortgage guaranty insurer shall not at any time
15 7 have outstanding a total liability, net of reinsurance, in
15 8 excess of twenty-five times its capital, unassigned funds and
15 9 contingency reserve. ~~It~~ A mortgage guaranty insurer shall not
15 10 insure loans secured by properties in a single housing tract or
15 11 in a contiguous tract (not which is not separated by more than
15 12 one-half mile) mile in excess of ten percent of its capital,
15 13 unassigned funds, and contingency reserve. Coverage may be
15 14 provided only if the properties in such tract are residential
15 15 buildings, buildings designed for occupancy by not more than
15 16 four families, or owner-occupied mobile homes.
15 17 2. Upon request of a mortgage guaranty insurer, the
15 18 commissioner may suspend the requirements contained in
15 19 subsection 1 for such time and under such conditions as the
15 20 commissioner may order. The commissioner may adopt rules as
15 21 necessary relating to the consideration of such requests for
15 22 suspension of those requirements.
15 23 Sec. 18. Section 523A.102, Code 2009, is amended by adding
15 24 the following new subsections:
15 25 NEW SUBSECTION. 16A. "Irrevocable purchase agreement" means
15 26 a purchase agreement that does not allow a distribution of
15 27 trust assets, including insurance or annuity proceeds, to the
15 28 purchaser or beneficiary prior to the death of the beneficiary,
15 29 other than the ability of the purchaser to direct the transfer
15 30 of the trust assets to another licensed seller.
15 31 NEW SUBSECTION. 25A. "Revocable purchase agreement" means
15 32 a purchase agreement that allows the purchaser to cancel the
15 33 purchase agreement and direct a distribution or refund of the
15 34 trust assets.



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16 1 Sec. 19. Section 523A.204, subsection 4, Code Supplement
16 2 2009, is amended to read as follows:

16 3 4. The commissioner shall levy an administrative penalty
16 4 in the amount of up to five hundred dollars against a preneed
16 5 seller that fails to file the annual report when due, payable
16 6 to the state for deposit as provided in section 505.7.

16 7 However, the commissioner may waive the administrative penalty
16 8 upon a showing of good cause or financial hardship.

16 9 Sec. 20. Section 523A.207, Code 2009, is amended to read as
16 10 follows:

16 11 523A.207 Audits by certified public accountants.

16 12 1. A purchase agreement shall not be sold or transferred,
16 13 as part of the sale of a business or the assets of a business,
16 14 until an audit has been performed by a certified public
16 15 accountant and filed with the commissioner that expresses the
16 16 auditor's opinion of the adequacy of funding related to the
16 17 purchase agreements to be sold or transferred.

16 18 2. If the person selling or transferring a purchase
16 19 agreement fails to comply with the requirements of subsection
16 20 1, the obligation to file an audit report shall be shared by
16 21 any preneed seller who assumes the obligations of the purchase
16 22 agreement. In addition, the person selling or transferring the
16 23 purchase agreement shall remain jointly and severally liable
16 24 to perform the terms of the purchase agreement until the audit
16 25 report is received by the commissioner.

16 26 Sec. 21. Section 523A.401, subsection 5, paragraph a, Code
16 27 2009, is amended to read as follows:

16 28 a. ~~Except as necessary and appropriate to satisfy the~~
~~16 29 requirements regarding burial trust funds under Title XIX of~~
~~16 30 the federal Social Security Act, the~~ The policy shall not
16 31 be owned by the seller, the policy shall not be irrevocably
16 32 assigned to the seller, and the assignment of proceeds from the
16 33 insurance policy to the seller shall be limited to the seller's
16 34 interests as they appear in the purchase agreement, and
16 35 conditioned on the seller's delivery of cemetery merchandise,



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17 1 funeral merchandise, and funeral services pursuant to a
17 2 purchase agreement.

17 3 Sec. 22. Section 523A.401, Code 2009, is amended by adding
17 4 the following new subsection:

17 5 NEW SUBSECTION. 9. The commissioner, by rule, may require
17 6 written trust agreements and establish terms and conditions for
17 7 trusts holding insurance policies. The seller or any officer,
17 8 director, agent, employee, or affiliate of the seller shall not
17 9 serve as a trustee. The commissioner may require amendments to
17 10 a trust agreement that is not in accord with the provisions of
17 11 this chapter or rules adopted under this chapter.

17 12 Sec. 23. Section 523A.402, subsection 5, paragraph a, Code
17 13 2009, is amended to read as follows:

17 14 a. ~~Except as necessary and appropriate to satisfy the~~
~~17 15 requirements regarding burial trust funds under Title XIX of~~
~~17 16 the federal Social Security Act, the~~ The annuity shall not be
17 17 owned by the seller or irrevocably assigned to the seller and
17 18 any designation of the seller as a beneficiary shall not be
17 19 made irrevocable.

17 20 Sec. 24. Section 523A.402, Code 2009, is amended by adding
17 21 the following new subsection:

17 22 NEW SUBSECTION. 9. The commissioner, by rule, may require
17 23 written trust agreements and establish terms and conditions for
17 24 trusts holding annuities. The seller or any officer, director,
17 25 agent, employee, or affiliate of the seller shall not serve as
17 26 a trustee. The commissioner may require amendments to a trust
17 27 agreement that is not in accord with the provisions of this
17 28 chapter or rules adopted under this chapter.

17 29 Sec. 25. Section 523A.502A, subsection 3, Code Supplement
17 30 2009, is amended to read as follows:

17 31 3. The commissioner shall levy an administrative penalty
17 32 in the amount of up to five hundred dollars against a sales
17 33 agent who fails to file an annual report when due, payable to
17 34 the state for deposit as provided in section 505.7. However,
17 35 the commissioner may waive the administrative penalty upon a



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18 1 showing of good cause or financial hardship.

18 2 Sec. 26. Section 523A.601, subsection 1, paragraph b, Code
18 3 2009, is amended to read as follows:

18 4 b. Specify the cemetery merchandise, funeral merchandise,
18 5 funeral services, or a combination thereof to be provided, and
18 6 the cost of each merchandise item or service, if selected.

18 7 Sec. 27. Section 523A.601, subsection 1, paragraphs f and g,
18 8 Code 2009, are amended to read as follows:

18 9 f. ~~State~~ Unless the purchaser or beneficiary is receiving or
18 10 has applied to receive Medicaid or supplemental security income
18 11 benefits, state that the purchase of the cemetery merchandise,
18 12 funeral merchandise, and funeral services is revocable and
18 13 ~~specify the damages for cancellation, if any.~~ The purchase
18 14 agreement may provide that if the purchaser or beneficiary is
18 15 receiving or has applied to receive Medicaid or supplemental
18 16 security income benefits, the purchase agreement may be an
18 17 irrevocable purchase agreement, subject to the requirements of
18 18 section 523A.602, subsection 4.

18 19 g. State clearly who has the authority to cancel, amend, or
18 20 revoke the purchase agreement to purchase cemetery merchandise,
18 21 funeral merchandise, and funeral services and specify the
18 22 penalties for cancellation, if any.

18 23 Sec. 28. Section 523A.602, subsection 3, Code 2009, is
18 24 amended to read as follows:

18 25 3. This section does not prohibit a purchaser who is
18 26 ~~or may become eligible for receiving or has applied to~~
18 27 receive benefits under Title Tit. XIX of the federal Social
18 28 Security Act from making a ~~guaranteed price~~ purchase agreement
18 29 irrevocable, subject to the requirements of subsection 4, to
18 30 the extent that federal law or regulations require that such
18 31 an agreement be irrevocable for purposes of a purchaser's
18 32 eligibility for benefits under Title Tit. XIX of the federal
18 33 Social Security Act, as permitted under federal law. The
18 34 seller of credit sale agreements shall comply with the
18 35 requirements of chapter 537, the Iowa consumer credit code,



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19 1 and is subject to the remedies and penalties provided in that
19 2 chapter for noncompliance.

19 3 Sec. 29. Section 523A.602, Code 2009, is amended by adding
19 4 the following new subsection:

19 5 NEW SUBSECTION. 4. An irrevocable purchase agreement is
19 6 subject to the following restrictions as a matter of law:

19 7 a. The purchase agreement must include a selection of the
19 8 cemetery merchandise, funeral merchandise, funeral services,
19 9 or a combination thereof to be provided and the cost of each
19 10 merchandise item or service.

19 11 b. A life insurance policy or annuity funding the purchase
19 12 agreement, if any, must be held in trust by the preneed
19 13 seller and titled appropriately pursuant to the purchaser's
19 14 irrevocable assignment of ownership to the trust. The preneed
19 15 seller may be named a nominal owner of the life insurance
19 16 policy or annuity only for such time as it takes to immediately
19 17 transfer the policy or annuity into trust.

19 18 c. Any transfer of trust assets must be to another licensed
19 19 preneed seller in connection with an assumption of the existing
19 20 purchase agreement or a new purchase agreement for the same
19 21 selection of cemetery merchandise, funeral merchandise,
19 22 funeral services, or a combination thereof to be provided
19 23 and specifying the cost of each merchandise item or service
19 24 selected.

19 25 Sec. 30. Section 523A.807, subsection 3, unnumbered
19 26 paragraph 1, Code Supplement 2009, is amended to read as
19 27 follows:

19 28 If the commissioner finds that a person has violated section
19 29 523A.201, 523A.202, 523A.203, 523A.207, 523A.401, 523A.402,
19 30 523A.403, 523A.404, 523A.405, 523A.501, ~~or~~ 523A.502, or
19 31 523A.504 or any rule adopted pursuant thereto, the commissioner
19 32 may order any or all of the following:

19 33 Sec. 31. Section 523I.213A, Code 2009, is amended by adding
19 34 the following new subsection:

19 35 NEW SUBSECTION. 7. Notwithstanding chapter 22, the



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20 1 commissioner shall not make information obtained in the course
20 2 of an examination public, except when a duty under this chapter
20 3 requires the commissioner to take action against a cemetery
20 4 or to cooperate with another law enforcement agency, or when
20 5 the commissioner is called as a witness in a civil or criminal
20 6 proceeding.

20 7 EXPLANATION

20 8 This bill relates to various matters under the purview of the
20 9 insurance division of the department of commerce.

20 10 IOWA GRAIN INDEMNITY BOARD. Code section 203D.4(1) is
20 11 amended to remove the commissioner of insurance or a designee
20 12 as a member of the Iowa grain indemnity fund board.

20 13 UNIFORM SECURITIES ACT. Code section 502.305(2) is amended
20 14 to allow the administrator of the Iowa uniform securities
20 15 Act to adopt rules that require certain filings to be made
20 16 electronically either with the administrator or a designee of
20 17 the administrator and that require filers to submit filings and
20 18 pay processing fees to such a designee.

20 19 EXAMINATION OF INSURANCE COMPANIES. Code section 507.4(2)
20 20 is amended to allow the commissioner of insurance to employ
20 21 insurance examiners who are exempt from the state merit system
20 22 and to pay those examiners pursuant to a pay plan that is
20 23 substantially equivalent to that used for bank examiners. A
20 24 coordinating amendment is made to Code section 20.4 exempting
20 25 such insurance examiners from the state merit system.

20 26 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. New Code
20 27 section 508.33A authorizes Iowa life insurance companies to
20 28 organize wholly owned limited purpose subsidiary life insurance
20 29 companies to reinsure the risks of the organizing company and
20 30 its affiliated companies. Before assuming any risks under a
20 31 reinsurance contract, a new limited purpose subsidiary life
20 32 insurance company must submit and receive approval of its
20 33 plan of operation from the commissioner. The commissioner
20 34 is required to adopt rules to regulate such limited purpose
20 35 insurers and no limited purpose insurer can be organized prior



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21 1 to the effective date of such rules.

21 2 Code section 511.8(5) is amended to allow life insurance
21 3 companies to invest in certain securities that are rated three
21 4 for legal reserve purposes. New Code section 511.8(8)(d) is
21 5 a coordinating amendment that provides that such securities
21 6 are not eligible investments in excess of 2 percent of the
21 7 legal reserve and not more than one-eighth of 1 percent of the
21 8 legal reserve can be invested in the securities of any one
21 9 corporation.

21 10 Code section 511.8(16) is amended to provide that common
21 11 stocks or shares issued by any federal home loan bank that
21 12 are eligible common stocks or shares for inclusion in a
21 13 life insurance company's legal reserve may be deposited as
21 14 securities with the commissioner.

21 15 Code section 511.8(23)(c) and (e) are amended to provide
21 16 that if a security loan made by a life insurance company to a
21 17 specified entity is collateralized by cash, the insurer may
21 18 reinvest the cash in class one money market funds, among other
21 19 things. If such reinvestments are made in a pooled fund,
21 20 the average maturity of the securities in the pooled fund
21 21 must be 180 days or less and the individual maturities of the
21 22 securities must be 397 days or less. "Maturity" is defined
21 23 to mean the earlier of the fixed date on which the holder of
21 24 the security is unconditionally entitled to receive principal
21 25 and interest in full or the date on which the holder of the
21 26 security is unconditionally entitled upon demand to receive
21 27 principal and interest in full. Such securities loaned in
21 28 this manner cannot be included in the legal reserve of a life
21 29 insurance company in excess of 10, formerly 20, percent of the
21 30 legal reserve.

21 31 New Code section 511.8(23)(f) is added to allow a life
21 32 insurance company or association to hold securities which are
21 33 the subject of a reverse repurchase agreement in its legal
21 34 reserve, subject to the limitation that such securities are
21 35 treated as securities loaned and cannot be included in legal



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22 1 reserve in excess of 10 percent of the reserve.
22 2 EXTERNAL REVIEW OF HEALTH CARE COVERAGE DECISIONS. Code
22 3 section 514J.7(2) is amended to provide that an enrollee or a
22 4 treating health care provider who seeks external review of a
22 5 health care coverage decision is entitled to be told the name
22 6 of the expert person selected to perform the external review.
22 7 INSURANCE OTHER THAN LIFE. Code section 515.125(1) is
22 8 amended to except new provisions in the bill pertaining
22 9 to personal lines insurance policies or contracts from the
22 10 forfeiture and notice requirements of this section.
22 11 New Code section 515.129A provides that personal lines
22 12 policies or contracts of insurance that have been in effect for
22 13 more than 60 days cannot be canceled without notice and that
22 14 such notice is not effective unless it is based on one or more
22 15 of the specified reasons.
22 16 New Code section 515.129B provides that an insurer cannot
22 17 refuse to renew a personal lines policy or contract of
22 18 insurance unless at least 30 days before the end date of the
22 19 policy or contract the insurer delivers or mails written notice
22 20 to the first named insured at the insured's last known address,
22 21 of the insurer's intention not to renew accompanied by an
22 22 explanation of the specific reason for the nonrenewal.
22 23 New Code section 515.129C sets forth requirements for the
22 24 notice to an insured of the renewal or nonrenewal of personal
22 25 lines policies or contracts. Such notice must be mailed or
22 26 delivered to the first named insured at least 30 days prior to
22 27 the end of the policy or contract term and must also be mailed,
22 28 delivered, or electronically transmitted to the producer of
22 29 record of the policy or contract. An offer to renew shall
22 30 state the amount and due date of the premium. If the renewal
22 31 premium is not received by the due date or the policy or
22 32 contract expiration date, whichever is later, the policy or
22 33 contract lapses. If an insurer fails to comply with these
22 34 notice requirements, the policy or contract is extended on
22 35 the same terms and conditions for another policy or contract



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23 1 term or until the effective date that similar insurance is
23 2 procured by the insured, whichever is earlier. Renewal of a
23 3 policy or contract under this Code section does not constitute
23 4 an estoppel or waiver with respect to grounds for cancellation
23 5 that existed prior to the effective date of the renewal.
23 6 MORTGAGE GUARANTY INSURANCE. Code section 515C.5 is
23 7 amended to allow the commissioner to suspend the requirements
23 8 concerning the amount of outstanding liability that a mortgage
23 9 guaranty insurer may have upon request of the insurer for
23 10 such time and under such conditions as the commissioner may
23 11 order. The commissioner may adopt rules as necessary relating
23 12 to the consideration of such requests for suspension of those
23 13 requirements.
23 14 CEMETERY AND FUNERAL MERCHANDISE, AND FUNERAL SERVICES.
23 15 Code section 523A.102 is amended to add definitions of
23 16 irrevocable and revocable purchase agreements to furnish
23 17 cemetery and funeral merchandise, and funeral services, or a
23 18 combination thereof.
23 19 Code section 523A.204(4) is amended to give the commissioner
23 20 the discretion to levy an administrative penalty in an amount
23 21 up to \$500 against a preneed seller who fails to file an annual
23 22 report when due. A corresponding change to Code section
23 23 523A.502A allows the commissioner such discretion when levying
23 24 a penalty against a sales agent who fails to file a report when
23 25 due.
23 26 Code section 523A.207 is amended to provide that if a
23 27 person selling or transferring a purchase agreement fails to
23 28 comply with the obligation to file an audit report with the
23 29 commissioner prior to the sale or transfer, that obligation is
23 30 shared by any preneed seller that assumes the obligations of
23 31 the purchase agreement. In addition, the seller or transferor
23 32 of the purchase agreement remains jointly and severally liable
23 33 to perform the terms of the purchase agreement until the audit
23 34 report is received by the commissioner.
23 35 Code section 523A.401(5) is amended to provide that when a



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24 1 purchase agreement is funded by insurance policy proceeds, the
24 2 insurance policy shall not be owned by the seller and to delete
24 3 an exception to this requirement related to social security
24 4 requirements pertaining to burial trust funds. A corresponding
24 5 change is made to Code section 523A.402(5)(a) to provide
24 6 that when a purchase agreement is funded by annuity proceeds
24 7 the annuity shall not be owned by the seller and to delete a
24 8 similar exception in relation to social security requirements.
24 9 Code section 523A.401(9) is added to allow the commissioner to
24 10 adopt rules to require written trust agreements and establish
24 11 terms and conditions for trusts holding insurance policies that
24 12 fund purchase agreements. Code section 523A.402(9) is added to
24 13 allow the adoption of similar rules as to annuities that fund
24 14 purchase agreements.

24 15 Code section 523A.601 is amended to allow disclosures
24 16 concerning purchase agreements to include information that
24 17 tells purchasers or beneficiaries that the agreement may be
24 18 made irrevocable if the purchaser or beneficiary is receiving
24 19 or has applied to receive Medicaid or supplemental security
24 20 income benefits. This language corresponds to the changes made
24 21 in Code section 523A.602(3).

24 22 Code section 523A.602(4) is added to specify the
24 23 restrictions applicable to an irrevocable purchase agreement.
24 24 Such a purchase agreement must specify the merchandise and
24 25 services selected and the cost of each; a life insurance
24 26 policy or annuity funding the agreement must be held in trust
24 27 by the preneed seller; and any transfer of trust assets must
24 28 be to another licensed preneed seller in connection with an
24 29 assumption of the existing purchase agreement or a new purchase
24 30 agreement for the same selection of merchandise and services
24 31 and specifying the cost.

24 32 Code section 523A.807(3) relating to penalties for
24 33 violations of specific sections of Code chapter 523A is amended
24 34 to apply to violations of Code sections 523A.203 (qualification
24 35 and investment requirements of financial institution trustees);



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25 1 523A.207 (performance of audits prior to sale of purchase
25 2 agreements); and 523A.504 (appointment of sales agents and
25 3 payment of fees). A violation of one of these sections may
25 4 result in civil penalties and orders prohibiting sales pursuant
25 5 to Code chapter 523A.

25 6 CEMETERY REGULATION. Code section 523I.213A(7) is added
25 7 to provide that notwithstanding Iowa's open records law,
25 8 the commissioner shall not make information obtained in the
25 9 course of an examination of a cemetery public except under
25 10 the specified circumstances. A corresponding change is
25 11 made by adding Code section 20.7(65), which states that such
25 12 information is not a public record.

LSB 5409XD (11) 83
av/nh



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Senate Study Bill 3091

SENATE/HOUSE FILE
BY (PROPOSED CITIZENS?
AIDE/OMBUDSMAN BILL)

A BILL FOR

1 An Act concerning the Iowa lottery authority relating to the
2 awarding of prizes and providing a criminal penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5437DP (12) 83
ec/nh



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

1 3 3. That lottery games shall be operated and managed in a
1 4 manner that provides continuing entertainment to the public,
1 5 maximizes revenues, protects the interests of customers, and
1 6 ensures that the lottery is operated with integrity and dignity
1 7 and free from political influence.

1 8 Sec. 2. Section 99G.31, subsection 2, paragraphs a and e,
1 9 Code 2009, are amended to read as follows:

1 10 a. The prize shall be given to the person who presents a
1 11 winning ticket only after the authority, retailer, or employee
1 12 of a retailer has verified that there is a signature on each
1 13 winning ticket submitted for checking or validation. A prize
1 14 may be given to only one person per winning ticket. However, a
1 15 prize shall be divided between holders of winning tickets if
1 16 there is more than one winning ticket. Payment Notwithstanding
1 17 the requirement to sign a winning ticket, payment of a prize
1 18 may be made to the estate of a deceased prize winner or to
1 19 another person pursuant to an appropriate judicial order issued
1 20 by an Iowa court of competent jurisdiction.

1 21 e. No prize shall be paid upon a ticket or share ~~purchased~~
1 22 ~~or sold~~ obtained in violation of this chapter. Any such prize
1 23 shall constitute an unclaimed prize for purposes of this
1 24 section.

1 25 Sec. 3. Section 99G.36, Code 2009, is amended by adding the
1 26 following new subsection:

1 27 NEW SUBSECTION. 4. A retailer or an employee of a retailer
1 28 shall not charge a fee to a person who presents a winning
1 29 ticket, shall not pay less than the designated value of the
1 30 prize, and shall not purchase or otherwise acquire the ticket
1 31 for less than the designated value of the prize. A retailer or
1 32 an employee of a retailer shall not submit in the retailer or
1 33 employee's name a prize claim that originally was presented for
1 34 payment by the holder of a winning ticket to whom the retailer
1 35 or employee paid a discounted prize amount or from whom the



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2 1 retailer or employee received payment in return for making the
2 2 claim. A person who violates the provisions of this subsection
2 3 is guilty of an aggravated misdemeanor.
2 4 Sec. 4. NEW SECTION. 99G.36A Recovery of improperly won or
2 5 claimed prizes.
2 6 1. When the authority finds that a prize has been won
2 7 in violation of this chapter, the authority shall pursue
2 8 forfeiture, recoupment, or restitution of the prize or proceeds
2 9 of the prize pursuant to the requirements of this section.
2 10 2. The value of any prize won in violation of this chapter
2 11 shall be recoverable as restitution pursuant to chapter
2 12 910. The authority shall adopt rules pursuant to chapter 17A
2 13 providing for procedures dealing with the following matters:
2 14 a. The forfeiture of any prize won in violation of this
2 15 chapter, when the prize has not yet been awarded.
2 16 b. The recoupment of any prize, or proceeds of the prize,
2 17 won in violation of this chapter, when the prize has already
2 18 been awarded. Such recoupment efforts may include but are not
2 19 limited to initiation of a civil lawsuit, garnishment, and
2 20 prize offset as provided in section 99G.41.
2 21 c. The filing of a claim with the appropriate county
2 22 attorney to seek restitution to recover the value of the prize
2 23 won in violation of this chapter, when a prize has already
2 24 been awarded and the matter is the subject of a criminal
2 25 prosecution.
2 26 3. Any prize or proceeds of a prize recovered pursuant
2 27 to this section shall be added to the pool from which future
2 28 prizes are to be awarded or used for special prize promotions.
2 29 EXPLANATION
2 30 This bill concerns the Iowa lottery authority.
2 31 Code section 99G.2 is amended to provide that lottery games
2 32 shall be operated and managed in a way to protect the interests
2 33 of customers.
2 34 Code section 99G.31, concerning prizes, is amended to
2 35 provide that prizes shall be awarded only after the authority,



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3 1 retailer, or employee of a retailer has verified that there is
3 2 a signature on each winning ticket submitted for checking or
3 3 validation.
3 4 Code section 99G.36, concerning criminal penalties for
3 5 certain lottery-related violations, is amended. The bill
3 6 provides that it is an aggravated misdemeanor for a retailer
3 7 to charge a fee to a person who presents a winning ticket, pay
3 8 less than the designated value of the prize, or purchase or
3 9 otherwise acquire the ticket for less than the designated value
3 10 of the prize. In addition, the bill makes it an aggravated
3 11 misdemeanor for a retailer or an employee of a retailer to
3 12 submit in the retailer or employee's name a prize claim that
3 13 originally was presented for payment by the holder of a winning
3 14 ticket to whom the retailer or employee paid a discounted prize
3 15 amount or from whom the retailer or employee received payment
3 16 in return for making the claim. An aggravated misdemeanor is
3 17 punishable by confinement for no more than two years and a fine
3 18 of at least \$625 but not more than \$6,250.
3 19 New Code section 99G.36A provides that the Iowa lottery
3 20 authority shall pursue forfeiture, recoupment, or restitution
3 21 of the prize or proceeds of the prize under Code chapter 910
3 22 when the authority finds that a prize has been won in violation
3 23 of Code chapter 99G. The bill provides that any prize or
3 24 proceeds of a prize recovered pursuant to this new Code section
3 25 shall be added to the pool from which future prizes are to be
3 26 awarded or used for special prize promotions.

LSB 5437DP (12) 83



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Senate Study Bill 3092

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to Alzheimer's disease and related disorders
2 and the role of the department of public health in
3 collecting data concerning Alzheimer's disease and providing
4 resources and services to persons suffering from the
5 disease.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5543XC (5) 83

jr/nh



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1 1 Section 1. Section 135.171, Code 2009, is amended by
1 2 striking the section and inserting in lieu thereof the
1 3 following:
1 4 135.171 Alzheimer's disease and related disorders ==
1 5 Alzheimer's disease service needs.
1 6 1. The department shall develop a resource to oversee
1 7 information and resources related to policy and services
1 8 affecting the rapidly increasing number of residents of
1 9 this state with Alzheimer's disease and similar forms of
1 10 irreversible dementia, and the caregivers and families of the
1 11 residents.
1 12 2. The department, in consultation with the Alzheimer's
1 13 association, area agencies on aging, the department on aging,
1 14 and other entities that work with persons suffering from
1 15 dementia-related illnesses, shall have the following duties:
1 16 a. Develop and improve resources and services to enhance the
1 17 quality of life for persons affected by dementia and for their
1 18 caregivers.
1 19 b. Compile a biannual analysis of Iowa's population by
1 20 county and age to determine the existing service utilization
1 21 and future service needs of persons with Alzheimer's disease
1 22 and similar forms of irreversible dementia and of the
1 23 caregivers to these persons. The analysis shall also address
1 24 the availability of existing caregiver services for such needs
1 25 and the appropriate service level for the future.
1 26 c. Collect data on the numbers of persons demonstrating
1 27 combative behavior related to Alzheimer's disease and similar
1 28 forms of irreversible dementia. The department shall also
1 29 collect data on the number of physicians and geropsychiatric
1 30 units available in the state to provide treatment and services
1 31 to such persons. Health care facilities that serve such
1 32 persons shall provide information to the department for the
1 33 purposes of the data collection required by this paragraph.
1 34 d. Recommend the delivery of services in the most effective
1 35 and efficient manner possible to facilitate the needs of people



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2 1 with dementia and their caregivers.
2 2 e. Convene workgroups as needed to address emerging concerns
2 3 related to the purpose of the department.
2 4 f. Seek funding that will enhance the department's abilities
2 5 to perform its duties under this section.
2 6 g. Raise public awareness about existing services for
2 7 Iowans impacted by Alzheimer's disease and similar forms of
2 8 irreversible dementia through public awareness campaigns and
2 9 referrals to existing resources.
2 10 h. Coordinate and oversee collaborative efforts to implement
2 11 the recommendations of the 2007 Alzheimer's disease task force,
2 12 ensuring that the department's work supports but does not
2 13 duplicate other initiatives and programs within the state,
2 14 including the activities of the department on aging pursuant
2 15 to section 231.62.
2 16 3. The department shall modify its community needs
2 17 assessment activities to include questions to identify and
2 18 quantify the numbers of persons with Alzheimer's disease and
2 19 similar forms of irreversible dementia at the community level.
2 20 4. The implementation of the requirements of this section
2 21 shall be limited to the extent of the funding appropriated or
2 22 otherwise made available for the requirements.

2 23 EXPLANATION

2 24 This bill strikes and replaces Code section 131.71,
2 25 incorporating the existing provisions, relating to the
2 26 collection and analysis of information relating to Alzheimer's
2 27 disease. The department shall develop a resource to oversee
2 28 information and resources related to policy and services
2 29 affecting persons with dementia, and the caregivers and
2 30 families of those persons. The department has a variety of
2 31 duties relating to improving services to persons with dementia,
2 32 and their caregivers and families, consulting with state
2 33 agencies and other stakeholders, compiling a biannual analysis
2 34 of Iowa's population by county and age to determine current
2 35 utilization and future service needs of stakeholders, and



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3 1 raising public awareness about existing services.
3 2 The bill incorporates existing language from Code section
3 3 131.71 which requires the department of public health
3 4 to include in its community needs assessment activities
3 5 questions to identify and quantify the numbers of persons with
3 6 Alzheimer's disease and similar forms of irreversible dementia
3 7 at the community level.
3 8 The bill incorporates existing language from Code section
3 9 131.71 which makes implementation of these requirements
3 10 contingent on the availability of funding.

LSB 5543XC (5) 83

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Senate Study Bill 3093

SENATE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to measuring and improving the quality of care
2 for stroke patients.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5740XC (3) 83
pf/nh



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1 1 Section 1. NEW SECTION. 147A.30 Definitions.
1 2 As used in this subchapter, unless the context otherwise
1 3 requires:
1 4 1. "Categorization" means a determination by the department
1 5 that a hospital is capable of acting as a level 1, level 2,
1 6 or level 3 stroke center in accordance with criteria adopted
1 7 pursuant to chapter 17A for level 1, level 2, or level 3 stroke
1 8 care capabilities.
1 9 2. "Department" means the department of public health.
1 10 3. "Hospital" means a facility licensed under chapter 135B.
1 11 4. "Stroke center" means a hospital which provides stroke
1 12 care and has been verified by the department as having level 1,
1 13 level 2, or level 3 care capabilities and issued a certificate
1 14 of verification pursuant to this subchapter.
1 15 5. "Stroke triage system" means an organized approach to
1 16 providing personnel, facilities, and equipment for effective
1 17 and coordinated stroke care.
1 18 6. "Verification" means a formal process by which the
1 19 department certifies a hospital to provide stroke care in
1 20 accordance with criteria established for a level 1, level 2, or
1 21 level 3 stroke center.
1 22 Sec. 2. NEW SECTION. 147A.31 Stroke triage plan and system
1 23 development.
1 24 1. The department is designated as the lead agency in this
1 25 state responsible for the development of a statewide stroke
1 26 triage system.
1 27 2. The department, in consultation with the EMS advisory
1 28 council, shall develop, coordinate, and monitor a statewide
1 29 stroke triage plan and system.
1 30 a. The plan shall provide for a statewide prehospital
1 31 and interhospital stroke triage strategy to promote rapid
1 32 access for stroke patients to appropriate organized stroke
1 33 care through publication and regular updating of information
1 34 on resources for stroke care, and publication of generally
1 35 accepted criteria for stroke triage and appropriate transfer.



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2 1 b. The system shall include but is not limited to the
2 2 following:
2 3 (1) The categorization of all hospitals as stroke centers
2 4 by the department in accordance with their capacity to provide
2 5 stroke care.
2 6 (2) The issuance of a certificate of verification for each
2 7 categorized hospital from the department at the level preferred
2 8 by the hospital. The standards and verification process shall
2 9 be established by rule and may vary as appropriate by level of
2 10 stroke care capability. To the extent possible, the standards
2 11 and verification process shall be coordinated with other
2 12 applicable accreditation and licensing standards.
2 13 (3) Upon verification and the issuance of a certificate of
2 14 verification, a hospital shall agree to maintain a level of
2 15 commitment and resources sufficient to meet responsibilities
2 16 and standards as required by the stroke care criteria
2 17 established by rule under this subchapter. Verifications are
2 18 valid for a period of three years or as determined by the
2 19 department and are renewable. As part of the verification and
2 20 renewal process, the department may conduct periodic on-site
2 21 reviews of the services and facilities of the hospital.
2 22 Sec. 3. NEW SECTION. 147A.32 Statewide stroke registry.
2 23 1. The department shall maintain a statewide stroke
2 24 registry to compile information and statistics on stroke care
2 25 including prevalence, mortality, and performance metrics for
2 26 acute stroke patients. The purposes of the statewide stroke
2 27 registry are to monitor, evaluate, and provide guidance to
2 28 health care quality improvement efforts for the education,
2 29 diagnosis, and treatment of acute stroke; to facilitate the
2 30 implementation of quality of stroke care improvements in Iowa
2 31 hospitals; and to track the progress of Iowa hospitals in
2 32 meeting national benchmarks for stroke care.
2 33 2. The data collected by and furnished to the department
2 34 pursuant to this section are confidential records of the
2 35 condition, diagnosis, care, or treatment of patients or former



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3 1 patients, including outpatients, pursuant to section 22.7,
3 2 subsection 2. Compilations of information prepared for release
3 3 or dissemination from the data collected are not confidential
3 4 under section 22.7, subsection 2. However, information which
3 5 individually identifies patients shall not be disclosed and
3 6 state and federal law regarding patient confidentiality shall
3 7 apply.

3 8 3. To the extent possible, activities under this section
3 9 shall be coordinated with other health data collection methods.

3 10 Sec. 4. NEW SECTION. 147A.33 Adoption of rules.

3 11 The department shall adopt rules to implement the stroke
3 12 triage system and statewide stroke registry under this
3 13 subchapter. The rules shall include designating stroke as a
3 14 reportable disease pursuant to chapter 139A.

3 15 Sec. 5. DIRECTIVE TO CODE EDITOR. The Code editor shall
3 16 codify sections 147A.30, 147A.31, 147A.32, and 147A.33, as
3 17 enacted in this Act, in a new subchapter in chapter 147A
3 18 entitled the "stroke triage plan and system".

3 19 EXPLANATION

3 20 This bill creates a new subchapter in Code chapter 147A
3 21 relating to the establishment by the department of public
3 22 health (DPH) of a stroke triage plan and system. The
3 23 department is designated as the lead agency responsible
3 24 for the development of a statewide stroke triage plan and
3 25 system. The plan is to provide for a statewide prehospital and
3 26 interhospital stroke triage strategy to promote rapid access
3 27 for stroke patients to appropriate organized stroke care.
3 28 The system is to include the categorization of all hospitals
3 29 as stroke centers by the department in accordance with their
3 30 capacity to provide stroke care, certification of verification
3 31 of all categorized hospitals by the department at the level
3 32 preferred by the hospital; and, upon issuance of a certificate
3 33 of verification, agreement of a hospital to maintain a level of
3 34 commitment and resources sufficient to meet responsibilities
3 35 and standards as required by the stroke care criteria.



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4 1 The bill also directs DPH to maintain a statewide stroke
4 2 registry to compile information and statistics on stroke care
4 3 including prevalence, mortality, and performance metrics for
4 4 acute stroke patients. The purposes of the statewide stroke
4 5 registry are to monitor, evaluate, and provide guidance to
4 6 health care quality improvement efforts for the education,
4 7 diagnosis, and treatment of acute stroke; to facilitate the
4 8 implementation of quality of stroke care improvements in Iowa
4 9 hospitals; and to track the progress of Iowa hospitals in
4 10 meeting national benchmarks for stroke care.

4 11 The bill directs DPH to adopt rules to implement the stroke
4 12 triage plan and system and the statewide stroke registry. The
4 13 rules shall include designating stroke as a reportable disease
4 14 pursuant to Code chapter 139A.

LSB 5740XC (3) 83

pf/nh



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SENATE/HOUSE FILE
BY (PROPOSED JUDICIAL
BRANCH BILL)

A BILL FOR

1 An Act relating to judicial branch administration, child
2 custody and visitation matters, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5396DP (6) 83
jm/rj



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PAG LIN

1 1 DIVISION I
1 2 COURT RECORDINGS
1 3 Section 1. Section 232.41, Code 2009, is amended to read as
1 4 follows:
1 5 232.41 ~~Reporter~~ Notes or recordings required.
1 6 Stenographic notes or mechanical or electronic recordings
1 7 shall be taken of all court hearings held pursuant to this
1 8 division unless waived by the parties. The child shall not be
1 9 competent to waive the reporting requirement, but waiver may
1 10 be made for the child by the child's counsel or guardian ad
1 11 litem. ~~Matters which must be reported under the provisions of~~
~~1 12 this section shall be reported in the same manner as required~~
~~1 13 in section 624.9.~~
1 14 Sec. 2. Section 232.94, Code 2009, is amended to read as
1 15 follows:
1 16 232.94 ~~Reporter~~ Notes or recordings required.
1 17 Stenographic notes or electronic or mechanical recordings
1 18 shall be taken of all court hearings held pursuant to this
1 19 division unless waived by the parties. The child shall not be
1 20 competent to waive the reporting requirement, but waiver may
1 21 be made for the child by the child's counsel or guardian ad
1 22 litem. ~~Matters which must be reported under the provisions of~~
~~1 23 this section shall be reported in the same manner as required~~
~~1 24 in section 624.9.~~
1 25 Sec. 3. Section 232.115, Code 2009, is amended to read as
1 26 follows:
1 27 232.115 ~~Reportings~~ Notes or recordings required.
1 28 Stenographic notes or electronic or mechanical recordings
1 29 shall be taken of all court hearings held pursuant to this
1 30 division unless waived by the parties. The child shall not be
1 31 competent to waive the reporting requirement, but waiver may
1 32 be made for the child by the child's counsel or guardian ad
1 33 litem. ~~Matters which must be reported under the provisions of~~
~~1 34 this section shall be reported in the same manner as required~~
~~1 35 in section 624.9.~~



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2 1 Sec. 4. Section 602.3201, Code 2009, is amended to read as
2 2 follows:

2 3 602.3201 Requirement of certification == use of title.

2 4 A person shall not engage in the profession of shorthand

2 5 reporting unless the person is certified pursuant to this

2 6 chapter, or otherwise exempted pursuant to section 602.6603,

~~2 7 subsection 4 by court rule. Only a person who is certified by~~

2 8 the board may assume the title of certified shorthand reporter,

2 9 or use the abbreviation C.S.R., or any words, letters, or

2 10 figures to indicate that the person is a certified shorthand

2 11 reporter.

2 12 Sec. 5. REPEAL. Sections 602.6603, 624.9, 624.10, and

2 13 624.11, Code 2009, are repealed.

2 14

DIVISION II

2 15

CHARITABLE CONTRIBUTIONS

2 16 Sec. 6. NEW SECTION. 901.11 Donations == prohibited.

2 17 A monetary or property donation to any agency, organization,

2 18 or political subdivision of the state is prohibited as a part

2 19 of any deferred prosecution, dismissal, sentence, or other

2 20 penalty.

2 21 Sec. 7. Section 907.13, subsection 2, Code 2009, is amended

2 22 to read as follows:

2 23 2. The defendant's plan of community service, the comments

2 24 of the defendant's probation officer, and the comments of

2 25 the representative of the judicial district department of

2 26 correctional services responsible for the unpaid community

2 27 service program, shall be submitted promptly to the court.

2 28 The court shall promptly enter an order approving the plan or

2 29 modifying it. Compliance with the plan of community service

2 30 as approved or modified by the court shall be a condition of

2 31 the defendant's probation. The court thereafter may modify the

2 32 plan at any time upon the defendant's request, upon the request

2 33 of the judicial district department of correctional services,

2 34 or upon the court's own motion. ~~As an option for modification~~

~~2 35 of a plan, the court may allow a defendant to complete some~~



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~~3 1 part or all of the defendant's community service obligation
3 2 through the donation of property to a charitable organization
3 3 other than a governmental subdivision. A donation of property
3 4 to a charitable organization offered in satisfaction of some
3 5 part or all of a community service obligation under this
3 6 subsection is not a deductible contribution for the purposes of
3 7 federal or state income taxes.~~

3 8 Sec. 8. Section 910.1, subsection 2, Code 2009, is amended
3 9 by striking the subsection.

3 10 Sec. 9. Section 910.1, subsection 4, Code 2009, is amended
3 11 to read as follows:

3 12 4. "Restitution" means payment of pecuniary damages to
3 13 a victim in an amount and in the manner provided by the
3 14 offender's plan of restitution. "Restitution" also includes
3 15 fines, penalties, and surcharges, ~~the contribution of funds~~
~~3 16 to a local anticrime organization which provided assistance~~
~~3 17 to law enforcement in an offender's case, the payment of~~
3 18 crime victim compensation program reimbursements, payment of
3 19 restitution to public agencies pursuant to section 321J.2,
3 20 subsection 9, paragraph "b", court costs including correctional
3 21 fees approved pursuant to section 356.7, court-appointed
3 22 attorney fees ordered pursuant to section 815.9, including the
3 23 expense of a public defender, and the performance of a public
3 24 service by an offender in an amount set by the court when the
3 25 offender cannot reasonably pay all or part of the court costs
3 26 including correctional fees approved pursuant to section 356.7,
3 27 or court-appointed attorney fees ordered pursuant to section
3 28 815.9, including the expense of a public defender.

3 29 Sec. 10. Section 910.2, Code 2009, is amended to read as
3 30 follows:

3 31 910.2 Restitution or community service to be ordered by
3 32 sentencing court.

3 33 In all criminal cases in which there is a plea of guilty,
3 34 verdict of guilty, or special verdict upon which a judgment
3 35 of conviction is rendered, the sentencing court shall order



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4 1 that restitution be made by each offender to the victims of
4 2 the offender's criminal activities, to the clerk of court
4 3 for fines, penalties, surcharges, and, to the extent that
4 4 the offender is reasonably able to pay, for crime victim
4 5 assistance reimbursement, restitution to public agencies
4 6 pursuant to section 321J.2, subsection 9, paragraph "b",
4 7 court costs including correctional fees approved pursuant
4 8 to section 356.7, or court-appointed attorney fees ordered
4 9 pursuant to section 815.9, including the expense of a public
4 10 defender, when applicable, ~~or contribution to a local~~
~~4 11 anticrime organization.~~ However, victims shall be paid in
4 12 full before fines, penalties, ~~and~~ surcharges, crime victim
4 13 compensation program reimbursement, public agencies, court
4 14 costs including correctional fees approved pursuant to section
4 15 356.7, and court-appointed attorney fees ordered pursuant to
4 16 section 815.9, including the expenses of a public defender,
4 17 ~~or contributions to a local anticrime organization~~ are paid.
4 18 In structuring a plan of restitution, the court shall provide
4 19 for payments in the following order of priority: victim,
4 20 fines, penalties, ~~and~~ surcharges, crime victim compensation
4 21 program reimbursement, public agencies, court costs including
4 22 correctional fees approved pursuant to section 356.7,
4 23 and court-appointed attorney fees ordered pursuant to section
4 24 815.9, including the expense of a public defender, ~~and~~
~~4 25 contribution to a local anticrime organization.~~
4 26 When the offender is not reasonably able to pay all or a
4 27 part of the crime victim compensation program reimbursement,
4 28 public agency restitution, court costs including correctional
4 29 fees approved pursuant to section 356.7, or court-appointed
4 30 attorney fees ordered pursuant to section 815.9, including
4 31 the expense of a public defender, ~~or contribution to a local~~
~~4 32 anticrime organization,~~ the court may require the offender
4 33 in lieu of that portion of the crime victim compensation
4 34 program reimbursement, public agency restitution, court costs
4 35 including correctional fees approved pursuant to section



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5 1 356.7, or court-appointed attorney fees ordered pursuant to
5 2 section 815.9, including the expense of a public defender, ~~or~~
~~5 3 contribution to a local anticrime organization~~ for which the
5 4 offender is not reasonably able to pay, to perform a needed
5 5 public service for a governmental agency or for a private
5 6 nonprofit agency which provides a service to the youth,
5 7 elderly, or poor of the community. When community service is
5 8 ordered, the court shall set a specific number of hours of
5 9 service to be performed by the offender which, for payment
5 10 of court-appointed attorney fees ordered pursuant to section
5 11 815.9, including the expenses of a public defender, shall be
5 12 approximately equivalent in value to those costs. The judicial
5 13 district department of correctional services shall provide for
5 14 the assignment of the offender to a public agency or private
5 15 nonprofit agency to perform the required service.
5 16 Sec. 11. Section 915.100, subsection 2, paragraph e, Code
5 17 2009, is amended to read as follows:
5 18 e. Victims shall be paid in full pursuant to an order
5 19 of restitution, before fines, penalties, surcharges, crime
5 20 victim compensation program reimbursement, public agency
5 21 reimbursement, court costs, correctional fees, court-appointed
5 22 attorney fees, or expenses of a public defender, ~~or~~
~~5 23 contributions to local anticrime organizations are paid.~~

5 24 DIVISION III

5 25 MISCELLANEOUS PROVISIONS

5 26 Sec. 12. Section 8A.504, subsection 2, paragraph j, Code
5 27 2009, is amended by adding the following new subparagraph:
5 28 NEW SUBPARAGRAPH. (4) The collection entity shall remit
5 29 to the state court administrator, on at least a monthly basis,
5 30 ten percent of the amounts set off to be used by the judicial
5 31 branch to defray the costs of collecting unpaid court debt
5 32 pursuant to section 602.8107.
5 33 Sec. 13. Section 236.4, subsection 2, Code 2009, is amended
5 34 to read as follows:
5 35 2. The court may enter any temporary order it deems



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6 1 necessary to protect the plaintiff from domestic abuse prior to
6 2 the hearing, including temporary custody or visitation orders
6 3 pursuant to subsection 2A, upon good cause shown in an ex parte
6 4 proceeding. Present danger of domestic abuse to the plaintiff
6 5 constitutes good cause for purposes of this subsection.

6 6 Sec. 14. Section 236.4, Code 2009, is amended by adding the
6 7 following new subsection:

6 8 NEW SUBSECTION. 2A. The court may award temporary custody
6 9 of or establish temporary visitation rights with regard to
6 10 children under eighteen years of age. In awarding temporary
6 11 custody or temporary visitation rights, the court shall give
6 12 primary consideration to the safety of the alleged victim
6 13 and the children. If the court finds that the safety of
6 14 the alleged victim will be jeopardized by unsupervised or
6 15 unrestricted visitation, the court shall set conditions
6 16 or restrict visitation as to time, place, duration, or
6 17 supervision, or deny visitation entirely, as needed to guard
6 18 the safety of the victim and the children. The court shall
6 19 also investigate whether any other existing orders awarding
6 20 custody or visitation should be modified.

6 21 Sec. 15. Section 236.4, subsection 3, Code 2009, is amended
6 22 to read as follows:

6 23 3. If a hearing is continued, the court may make or extend
6 24 any temporary order under subsection 2 or 2A that it deems
6 25 necessary.

6 26 Sec. 16. Section 321.236, subsection 1, paragraph a, Code
6 27 Supplement 2009, is amended to read as follows:

6 28 a. Parking meter, snow route, and overtime parking
6 29 violations which are contested shall be charged and proceed
6 30 before a court the same as other traffic violations. Filing
6 31 fees and court costs shall be assessed as provided in section
6 32 ~~602.8106, subsection 1, and section 805.6, subsection 1,~~
6 33 paragraph "a" for parking violation cases.

6 34 Sec. 17. Section 598.15, subsection 1, Code 2009, is amended
6 35 to read as follows:



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7 1 1. The ~~court shall order~~ the parties to any action
7 2 which involves the issues of child custody or visitation
7 3 ~~to~~ shall participate in a court-approved course to educate
7 4 and sensitize the parties to the needs of any child or party
7 5 during and subsequent to the proceeding within forty-five
7 6 days of the service of notice and petition for the action
7 7 or within forty-five days of the service of notice and
7 8 application for modification of an order. Participation in the
7 9 course may be waived or delayed by the court for good cause
7 10 including, but not limited to, a default by any of the parties
7 11 or a showing that the parties have previously participated in a
7 12 court-approved course or its equivalent. Participation in the
7 13 course is not required if the proceeding involves termination
7 14 of parental rights of any of the parties. A final decree shall
7 15 not be granted or a final order shall not be entered until the
7 16 parties have complied with this section, unless participation
7 17 in the course is waived or delayed for good cause or is
7 18 otherwise not required under this subsection.

7 19 Sec. 18. NEW SECTION. 602.1615 Records retention and
7 20 availability.

7 21 In addition to the rules prescribed under section 602.1614,
7 22 the supreme court shall prescribe rules regarding the
7 23 retention of all judicial branch records, including the
7 24 creation, storage, duplication, reproduction, disposition, and
7 25 destruction of such records, and such rules shall also include
7 26 the availability of the records to the public and the security
7 27 of such records. The rules prescribed pursuant to this section
7 28 shall prevail over any other laws, rules, or court rules except
7 29 for the rules prescribed under section 602.1614.

7 30 Sec. 19. Section 602.3101, subsection 2, Code 2009, is
7 31 amended to read as follows:

7 32 2. The ~~state court administrator or a designee of the~~
~~7 33 state court administrator~~ supreme court shall ~~act as~~ appoint
7 34 the administrator ~~to~~ of the board.



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8 1 Sec. 20. Section 602.3106, subsection 2, Code 2009, is
8 2 amended by striking the subsection and inserting in lieu
8 3 thereof the following:

8 4 2. The fees collected are appropriated to the judicial
8 5 branch and shall be used to offset the expenses of the board,
8 6 including the costs of administering the examination.

8 7 Sec. 21. Section 602.8105, subsection 1, Code Supplement
8 8 2009, is amended by adding the following new paragraph:
8 9 NEW PARAGRAPH. j. For filing a tribal judgment, one hundred
8 10 dollars.

8 11 Sec. 22. Section 602.8106, subsection 1, paragraph c, Code
8 12 Supplement 2009, is amended to read as follows:

8 13 c. For filing and docketing a complaint or information or
8 14 uniform citation and complaint for parking violations under
8 15 sections 321.236, 321.239, 321.358, 321.360, and 321.361,
8 16 ~~eight dollars, effective January 1, 2004. The court costs in~~
~~8 17 cases of parking meter and overtime parking violations which~~
~~8 18 are contested, and charged and collected pursuant to section~~
~~8 19 321.236, subsection 1, or pursuant to a uniform citation and~~
~~8 20 complaint, are eight dollars per information or complaint~~
~~8 21 or per uniform citation and complaint effective January 1,~~
~~8 22 1991 thirty-five dollars.~~

8 23 Sec. 23. Section 602.10108, Code 2009, is amended to read
8 24 as follows:

8 25 602.10108 Fees.

8 26 1. The ~~board~~ supreme court shall set the fees for
8 27 examination and for admission. The fees for examination
8 28 shall be based upon the annual cost of administering the
8 29 examinations. The fees for admission shall be based upon the
8 30 costs of conducting an investigation of the applicant and the
8 31 administrative costs of sustaining the board, ~~which shall~~
~~8 32 include but shall not be limited to:~~

8 33 1. ~~Expenses and travel for board members and temporary~~
~~8 34 examiners.~~

8 35 2. ~~Office facilities, supplies, and equipment.~~



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9 1 ~~3. Clerical assistance.~~
9 2 2. Fees shall be collected by the board and transmitted
~~9 3 to the treasurer of state who shall deposit the fees in the~~
~~9 4 general fund of the state are appropriated to the judicial~~
9 5 branch and shall be used to offset the costs of administering
9 6 this article.
9 7 Sec. 24. Section 607A.8, subsection 2, Code 2009, is amended
9 8 to read as follows:
9 9 2. A grand juror and a petit juror in all courts shall
9 10 receive reimbursement for mileage expenses at the rate
9 11 specified in section 602.1509 by the supreme court for each
9 12 mile traveled each day to and from the residence of the juror
9 13 to the place of service or attendance, and shall receive
9 14 reimbursement for actual expenses of parking, as determined by
9 15 the clerk of the district court. A juror who is a person with a
9 16 disability may receive reimbursement for the costs of alternate
9 17 transportation from the residence of the juror to the place of
9 18 service or attendance. A juror shall not receive reimbursement
9 19 for mileage expenses or actual expenses of parking when the
9 20 juror travels in a vehicle for which another juror is receiving
9 21 reimbursement for mileage and parking expenses.
9 22 Sec. 25. Section 607A.47, Code 2009, is amended to read as
9 23 follows:
9 24 607A.47 Juror questionnaire.
9 25 The court may, on its own motion, or upon the motion of a
9 26 party to the case or upon the request of a juror, order the
9 27 sealing or partial sealing of a completed juror questionnaire,
9 28 if the court finds that it is necessary to protect the safety
9 29 or privacy of a juror or a family member of a juror, including
9 30 the privacy of a juror or a family member of a juror who has
9 31 been the victim of sexual or domestic abuse.
9 32 Sec. 26. Section 626D.3, Code 2009, is amended by adding the
9 33 following new subsection:
9 34 NEW SUBSECTION. 4. The clerk of the district court shall
9 35 collect a fee as provided in section 602.8105, subsection 1,



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10 1 for filing a tribal judgment.

10 2 Sec. 27. Section 805.6, subsection 1, paragraph a,
10 3 subparagraph (1), Code Supplement 2009, is amended to read as
10 4 follows:

10 5 (1) The commissioner of public safety, the director of
10 6 transportation, and the director of the department of natural
10 7 resources, acting jointly, shall adopt a uniform, combined
10 8 citation and complaint which shall be used for charging all
10 9 traffic violations in Iowa under state law or local regulation
10 10 or ordinance, and which shall be used for charging all other
10 11 violations which are designated by sections 805.8A, 805.8B, and
10 12 805.8C to be scheduled violations. ~~The filing fees and court~~
~~10 13 costs in cases of parking meter and overtime parking violations~~
~~10 14 which are denied are as stated in section 602.8106, subsection~~
~~10 15 1.~~ The court costs in scheduled violation cases where a court
10 16 appearance is not required are as stated in section 602.8106,
10 17 subsection 1. The court costs in scheduled violation cases
10 18 where a court appearance is required are as stated in section
10 19 602.8106, subsection 1. This subsection does not prevent the
10 20 charging of any of those violations by information, by private
10 21 complaint filed under chapter 804, or by a simple notice of
10 22 fine where permitted by section 321.236, subsection 1. Each
10 23 uniform citation and complaint shall be serially numbered and
10 24 shall be in quintuplicate, and the officer shall deliver the
10 25 original and a copy to the court where the defendant is to
10 26 appear, two copies to the defendant, and a copy to the law
10 27 enforcement agency of the officer. If the uniform citation and
10 28 complaint is created electronically, the issuing agency shall
10 29 cause the uniform citation and complaint to be transmitted
10 30 to the court, and the officer shall deliver a document to
10 31 the defendant which contains a section for the defendant and
10 32 a section which may be sent to the court. The court shall
10 33 forward an abstract of the uniform citation and complaint in
10 34 accordance with section 321.491 when applicable.



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11 1 Sec. 28. Section 907.9, subsection 4, Code 2009, is amended
11 2 to read as follows:

11 3 4. At the expiration of the period of probation if the
11 4 fees imposed under section 905.14 and court debt collected
11 5 pursuant to section 602.8107 have been paid, the court shall
11 6 order the discharge of the person from probation. If portions
11 7 of the court debt remain unpaid, the person shall establish a
11 8 payment plan with the clerk of the district court or the county
11 9 attorney prior to the discharge. The court shall forward to
11 10 the governor a recommendation for or against restoration of
11 11 citizenship rights to that person upon discharge. A person
11 12 who has been discharged from probation shall no longer be held
11 13 to answer for the person's offense, except for any unpaid
11 14 court debt as defined in section 602.8107. Upon discharge
11 15 from probation, if judgment has been deferred under section
11 16 907.3, the court's criminal record with reference to the
11 17 deferred judgment shall be ~~expunged~~ sealed, except as provided
11 18 in section 907.4, unless the defendant has unpaid court debt
11 19 as defined in section 602.8107 in the case that includes the
11 20 deferred judgment. The record shall remain unsealed until such
11 21 time the court debt is paid in full. The record maintained
11 22 by the state court administrator as required by section
11 23 907.4 shall not be expunged. The court's record shall not be
11 24 expunged in any other circumstances.

11 25 EXPLANATION

11 26 This bill relates to the administration of the judicial
11 27 branch, and makes an appropriation. The bill is separated into
11 28 three divisions to enhance the readability of the bill.

11 29 DIVISION I. The division amends Code sections 232.41
11 30 (delinquency proceedings), 232.94 (child in need of assistance
11 31 proceedings), and 232.115 (termination of parental rights
11 32 proceedings), by striking a similar provision in each section
11 33 requiring the proceedings to be recorded by a reporter in
11 34 writing or shorthand.

11 35 The division repeals Code section 602.6603, permitting



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12 1 a district judge or district associate judge to appoint a
12 2 certified court reporter, and permitting the appointment of an
12 3 uncertified court reporter under certain circumstances.
12 4 The division also strikes a reference to Code section
12 5 602.6603 in Code section 602.3201. The bill specifies that the
12 6 supreme court, by court rule, may designate when an uncertified
12 7 court reporter may engage in the profession of shorthand
12 8 reporting. Currently, Code section 602.6603 governs when an
12 9 uncertified court reporter may engage in the profession of
12 10 shorthand reporting.
12 11 The division also repeals Code sections 624.9, 624.10, and
12 12 624.11, requiring hearings and trials to be reported in writing
12 13 or shorthand.
12 14 DIVISION II. The division prohibits any donation to an
12 15 agency, organization, or political subdivision of the state as
12 16 part of any deferred prosecution, dismissal, sentence, or other
12 17 penalty. The bill eliminates a provision allowing a criminal
12 18 defendant to make a donation in lieu of performing community
12 19 service. The bill also eliminates provisions allowing a
12 20 contribution by a criminal defendant to a local anticrime
12 21 organization as part of the offender's restitution plan.
12 22 DIVISION III. The division requires the department of
12 23 administrative services and any other state agency that
12 24 maintains a separate accounting system and elects to establish
12 25 a debt collection setoff procedure, to remit to the state court
12 26 administrator, 10 percent of the amounts set off from the
12 27 collection of delinquent court debt for use by the judicial
12 28 branch to defray the costs of collecting unpaid court debt.
12 29 The division provides that the court may enter temporary
12 30 custody and visitation orders prior to a hearing to determine
12 31 whether domestic abuse has occurred under Code chapter 236. In
12 32 awarding temporary custody and visitation under the bill, the
12 33 court shall give primary consideration to the safety of the
12 34 alleged victim and the children.
12 35 The division requires each party to an action which involves



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13 1 the custody of a child or visitation to participate in a
13 2 court-approved course to educate and sensitize the parties to
13 3 the needs of any child involved in the custody or visitation
13 4 action. Current law requires the court to order the parties
13 5 to attend such a course.

13 6 The division requires the supreme court to prescribe
13 7 rules regarding the retention of all judicial branch records,
13 8 including the creation, storage, duplication, reproduction,
13 9 disposition, and destruction of such records, and such rules
13 10 shall also include the availability of the records to the
13 11 public and the security of such records. The rules prescribed
13 12 pursuant to the division shall prevail over any other laws,
13 13 rules, or court rules except for the rules prescribed under
13 14 Code section 602.1614 relating to electronic records.

13 15 The division requires the supreme court to appoint the
13 16 administrator of the board of examiners of shorthand reporters.
13 17 Current law provides that the state court administrator or
13 18 a designee of the state court administrator shall act as
13 19 administer of the board.

13 20 The division specifies that the fees assessed for shorthand
13 21 certification examinations are appropriated to the judicial
13 22 branch and shall be used to offset the expenses of the board,
13 23 including the costs of administering examinations.

13 24 The division increases the fee for filing and docketing a
13 25 complaint or information for state parking violations from \$8
13 26 to \$35. The division eliminates the court costs assessed for
13 27 contested local parking meter and overtime parking violations.

13 28 The division transfers the authority to set fees for
13 29 examination and admission to practice law in Iowa from the
13 30 board of law examiners to the supreme court. The division also
13 31 specifies that the fees collected for examination and admission
13 32 are appropriated to the judicial branch and shall be used to
13 33 offset the costs of administering the examination and admission
13 34 process to practice law. Current law requires the examination
13 35 and admission fees to be deposited into the general fund of the



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14 1 state.

14 2 The division separates the authority of the supreme court
14 3 to establish the mileage reimbursement rate for jurors from
14 4 the authority of the supreme court to establish the mileage
14 5 reimbursement rate for witnesses, judicial officers, and court
14 6 employees. Currently, the mileage reimbursement rate for
14 7 jurors, witnesses, judicial officers, and court employees is
14 8 established under the authority of the supreme court pursuant
14 9 to one provision in Code section 602.1509.

14 10 The division permits the court to seal or partially seal a
14 11 juror questionnaire in order to protect the safety and privacy
14 12 of a juror or a family member of a juror who has been the victim
14 13 of sexual or domestic abuse.

14 14 The division sets the fee for filing a tribal judgment with
14 15 the clerk of the district court at \$100. The distribution
14 16 of court fees collected by the clerk of the district court
14 17 is governed by Code section 602.8108. Current law does not
14 18 establish a filing fee for a tribal judgment.

14 19 The division specifies that a person who has been discharged
14 20 from probation shall no longer be held accountable for the
14 21 person's offense, except if the person has unpaid court debt as
14 22 defined in Code section 602.8107.

14 23 The division also specifies that a person who receives
14 24 a deferred judgment shall, upon successful completion of
14 25 probation, have any reference to the record containing the
14 26 deferred judgment sealed, except if the person has unpaid
14 27 court debt in the case that includes the deferred judgment.
14 28 The division further specifies that the record containing the
14 29 deferred judgment shall not be sealed until the court debt is
14 30 paid in full.

LSB 5396DP (6) 83

jm/rj



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Senate Study Bill 3095

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

A BILL FOR

- 1 An Act relating to judgment liens on homesteads.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5181XC (2) 83
rh/nh



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1 1 Section 1. Section 624.23, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. a. Judgment liens described in subsection 1 do not
1 4 ~~remain a lien upon~~ attach to real estate of the defendant,
1 5 ~~platted~~ occupied as a homestead pursuant to ~~section~~
1 6 ~~561.4, chapter 561, except as provided in section 561.21 or if~~
1 7 ~~the real estate claimed as a homestead exceeds the limitations~~
1 8 ~~prescribed in sections 561.1 through 561.3.~~
1 9 b. A claim of lien against real estate claimed as a
1 10 homestead is barred unless execution is levied within thirty
1 11 days of the time the defendant, ~~or~~ the defendant's agent,
1 12 or a person with an interest in the real estate has served
1 13 written demand on the owner of the judgment. The demand
1 14 shall state that the lien and all benefits derived from the
1 15 lien as to the real estate ~~platted as~~ alleged to be or to
1 16 ~~have been~~ a homestead shall be forfeited unless the owner
1 17 of the judgment levies execution against that real estate
1 18 within thirty days from the date of service of the demand.
1 19 The demand shall contain an affidavit setting forth facts
1 20 indicating why the judgment is not believed to be a lien
1 21 against the real estate. A warranty of title by a former
1 22 occupying homeowner in a conveyance for value constitutes a
1 23 claim of exemption against all judgments against the current
1 24 homeowner or the current homeowner's spouse not specifically
1 25 exempted in the conveyance. Written demand shall be served
1 26 in any manner authorized for service of original notice under
1 27 the Iowa rules of civil procedure or in a manner provided
1 28 in section 654.4A, subsections 1 through 3. A copy of the
1 29 written demand and proof of service of the written demand
1 30 shall be recorded filed in the office of the county recorder
1 31 of the county where the real estate platted as a homestead is
1 32 located court file of the case in which the judgment giving
1 33 rise to the alleged lien was entered.
1 34 c. A party serving a written demand under this subsection
1 35 may obtain an immediate court order releasing the claimed lien



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2 1 by posting with the clerk of court a cash bond in an amount of
2 2 at least one hundred twenty-five percent of the outstanding
2 3 balance owed on the judgment. A copy of the court order shall
2 4 be served along with a written demand under this subsection.
2 5 Thereafter, any execution on the judgment shall be against the
2 6 bond, subject to all claims and defenses which the moving party
2 7 had against the execution against the real estate, including
2 8 but not limited to a lack of equity in the property to support
2 9 the lien in its proper priority. The bond shall be released
2 10 by the clerk of court upon demand of its principal or surety
2 11 if no execution is ordered on the judgment within thirty days
2 12 of completion of service of the written demand under this
2 13 subsection.

2 14

EXPLANATION

2 15 This bill specifies that a judgment lien does not attach to
2 16 real estate claimed as a homestead except as provided in Code
2 17 section 561.21 (certain prior debts, certain debts created by
2 18 written contract, certain home improvement debts, and if there
2 19 is no survivor or issue, certain debts to which the homestead
2 20 might have been subject to if it had never been held as a
2 21 homestead) or if the real estate claimed as a homestead exceeds
2 22 the physical limitations prescribed in Code sections 561.1
2 23 through 561.3.

2 24 The bill provides that a warranty of title by a former
2 25 occupying homeowner in a conveyance for value constitutes a
2 26 claim of exemption against all judgments against the current
2 27 homeowner or the current homeowner's spouse not specifically
2 28 exempted in the conveyance.

2 29 The bill provides that a claim of lien against a homestead
2 30 is barred unless execution is levied within 30 days of the
2 31 time the defendant, the defendant's agent, or a person with an
2 32 interest in the real estate has served written demand on the
2 33 owner of the judgment accompanied by an affidavit setting forth
2 34 facts indicating why the judgment is not believed to be a lien
2 35 against the real estate. The written demand shall be served in



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3 1 any manner authorized for service of original notice under the
3 2 Iowa rules of civil procedure or in a manner provided in Code
3 3 section 654.4A, subsections 1 through 3 (service of process
3 4 procedures relating to in rem relief).
3 5 The bill provides that a party serving a written demand
3 6 under the bill may obtain an immediate court order releasing
3 7 the claimed lien by posting a cash bond in an amount of at least
3 8 125 percent of the outstanding balance owed on the judgment.
3 9 Thereafter, any execution on the judgment shall be against the
3 10 bond, subject to all claims and defenses which the moving party
3 11 had against the execution against the real estate, including
3 12 but not limited to a lack of equity in the property to support
3 13 the lien in its proper priority. The bill requires the bond
3 14 to be released by the clerk of court upon demand of the bond's
3 15 principal or surety if no execution is ordered on the judgment
3 16 within 30 days of completion of service of the written demand
3 17 under the bill.

LSB 5181XC (2) 83

rh/nh



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Senate Study Bill 3096

SENATE FILE
BY (PROPOSED COMMITTEE ON
REBUILD IOWA BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act establishing smart planning principles, establishing
2 guidelines for the adoption of certain comprehensive plans
3 and land development regulations, and providing for the
4 establishment of a smart planning task force.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5361SC (2) 83
md/sc



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1 1 Section 1. NEW SECTION. 18B.1 Iowa smart planning
1 2 principles.
1 3 State agencies, local governments, and other public entities
1 4 shall consider and may apply the following principles during
1 5 deliberation of all appropriate planning, zoning, development,
1 6 and resource management decisions:
1 7 1. Collaboration. Governmental, community, and individual
1 8 stakeholders, including those outside the jurisdiction of the
1 9 entity, are encouraged to be involved and provide comment
1 10 during deliberation of planning, zoning, development, and
1 11 resource management decisions and during implementation of such
1 12 decisions. The state agency, local government, or other public
1 13 entity is encouraged to develop and implement a strategy to
1 14 facilitate such participation.
1 15 2. Efficiency, transparency, and consistency. Planning,
1 16 zoning, development, and resource management should be
1 17 undertaken to provide efficient, transparent, and consistent
1 18 outcomes. Individuals, communities, regions, and governmental
1 19 entities should share in the responsibility to promote the
1 20 equitable distribution of development benefits and costs.
1 21 3. Clean, renewable, and efficient energy. Planning, zoning,
1 22 development, and resource management should be undertaken to
1 23 promote clean and renewable energy use and increased energy
1 24 efficiency.
1 25 4. Occupational diversity. Planning, zoning, development,
1 26 and resource management should promote increased diversity
1 27 of employment and business opportunities, promote access to
1 28 education and training, expand entrepreneurial opportunities,
1 29 and promote the establishment of businesses in locations near
1 30 existing housing, infrastructure, and transportation.
1 31 5. Revitalization. Planning, zoning, development, and
1 32 resource management should facilitate the revitalization
1 33 of established town centers and neighborhoods by promoting
1 34 development that conserves land, protects historic resources,
1 35 promotes pedestrian accessibility, and integrates different



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2 1 uses of property. Remediation and reuse of existing
2 2 sites, structures, and infrastructure is preferred over new
2 3 construction in undeveloped areas.
2 4 6. Housing diversity. Planning, zoning, development, and
2 5 resource management should encourage diversity in the types
2 6 of available housing, support the rehabilitation of existing
2 7 housing, and promote the location of housing near public
2 8 transportation.
2 9 7. Community character. Planning, zoning, development, and
2 10 resource management should promote activities and development
2 11 that are consistent with the character and architectural style
2 12 of the community and should respond to local values regarding
2 13 the physical character of the community.
2 14 8. Natural resources and agricultural protection.
2 15 Planning, zoning, development, and resource management
2 16 should emphasize protection, preservation, and restoration of
2 17 environmentally sensitive land, natural resources, agricultural
2 18 land, and cultural and historic landscapes, and should increase
2 19 the availability of open spaces and recreational facilities.
2 20 9. Sustainable design. Planning, zoning, development, and
2 21 resource management should promote developments, buildings, and
2 22 infrastructure that utilize sustainable design and construction
2 23 standards and conserve natural resources by reducing waste and
2 24 pollution through efficient use of land, energy, water, and
2 25 materials.
2 26 10. Transportation diversity. Planning, zoning,
2 27 development, and resource management should promote expanded
2 28 transportation options for residents of the community.
2 29 Consideration should be given to transportation options that
2 30 maximize mobility, reduce congestion, conserve fuel, and
2 31 improve air quality. Priority shall be given to rail service,
2 32 bus service, shared-vehicle services, bicycling, and walking.
2 33 Sec. 2. NEW SECTION. 18B.2 Local comprehensive planning and
2 34 development guidelines.
2 35 1. For the purposes of this chapter, unless the context



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- 3 1 otherwise requires:
- 3 2 a. "Development" means any of the following:
- 3 3 (1) Construction, reconstruction, renovation, mining,
- 3 4 extraction, dredging, filling, excavation, or drilling activity
- 3 5 or operation.
- 3 6 (2) Man-made changes in the use or appearance of any
- 3 7 structure or in the land itself.
- 3 8 (3) The division or subdivision of land.
- 3 9 (4) Any change in the intensity of use or the use of land.
- 3 10 (5) Any activity that alters a river, stream, lake, pond,
- 3 11 marsh, dune area, woodland, wetland, endangered species
- 3 12 habitat, aquifer, or other resource area.
- 3 13 b. "Land development regulations" means zoning, subdivision,
- 3 14 site plan, corridor map, floodplain or storm water ordinances,
- 3 15 rules, or regulations, or other governmental controls that
- 3 16 affect the use of property.
- 3 17 c. "Municipality" means a city or a county.
- 3 18 2. A municipality shall consider the smart planning
- 3 19 principles under section 18B.1 and may include the following
- 3 20 information, if applicable, when developing or amending
- 3 21 a comprehensive plan under chapter 335 or chapter 414 or
- 3 22 when developing or amending other local land development
- 3 23 regulations:
- 3 24 a. Information relating to public participation during
- 3 25 the creation of the comprehensive plan or land development
- 3 26 regulations, including documentation of the public
- 3 27 participation process, a compilation of objectives, policies,
- 3 28 and goals identified in the public comment received, and
- 3 29 identification of the groups or individuals comprising any work
- 3 30 groups or committees that were created to assist the planning
- 3 31 and zoning commission or other appropriate decision-making body
- 3 32 of the municipality.
- 3 33 b. Information relating to the primary characteristics
- 3 34 of the municipality and a description of how each of those
- 3 35 characteristics impacts future development of the municipality.



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4 1 Such information may include historical information about
4 2 the municipality, the municipality's geography, natural
4 3 resources, natural hazards, population, demographics, types of
4 4 employers and industry, labor force, political and community
4 5 institutions, housing, transportation, educational resources,
4 6 and cultural and recreational resources. The comprehensive
4 7 plan or land development regulations may also identify
4 8 characteristics and community aesthetics that are important to
4 9 future development of the municipality.
4 10 c. Objectives, information, and programs that identify
4 11 current land uses within the municipality and that guide the
4 12 future development and redevelopment of property, consistent
4 13 with the municipality's characteristics identified under
4 14 paragraph "b". The comprehensive plan or land development
4 15 regulations may include information on the amount, type,
4 16 intensity, and density of existing land use, trends in
4 17 the market price of land used for specific purposes, and
4 18 plans for future land use throughout the municipality. The
4 19 comprehensive plan or land development regulations may identify
4 20 and include information on property that has the possibility
4 21 for redevelopment, a map of existing and potential land use
4 22 and land use conflicts, information and maps relating to
4 23 the current and future provision of utilities within the
4 24 municipality, information and maps that identify the current
4 25 and future boundaries for areas reserved for soil conservation,
4 26 water supply conservation, flood control, and surface water
4 27 drainage and removal. Information provided under this
4 28 paragraph may also include an analysis of the current and
4 29 potential impacts on local watersheds.
4 30 d. Objectives, policies, and programs to further the
4 31 vitality and character of established residential neighborhoods
4 32 and new residential neighborhoods and plans to ensure an
4 33 adequate housing supply that meets both the existing and
4 34 forecasted housing demand. The comprehensive plan or land
4 35 development regulations may include an inventory and analysis



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5 1 of the local housing stock and may include specific information
5 2 such as age, condition, type, market value, occupancy, and
5 3 historical characteristics of all the housing within the
5 4 municipality. The comprehensive plan or land development
5 5 regulations may identify specific policies and programs that
5 6 promote the development of new housing and maintenance or
5 7 rehabilitation of existing housing and that provide a range of
5 8 housing choices that meet the needs of the residents of the
5 9 municipality.

5 10 e. Objectives, policies, and programs to guide future
5 11 development of utilities such as sanitary sewer service,
5 12 storm water management, water supply, solid waste disposal,
5 13 wastewater treatment technologies, recycling facilities,
5 14 telecommunications facilities, power generating plants, and
5 15 transmission lines. The comprehensive plan or land development
5 16 regulations may include estimates regarding future demand for
5 17 such utility services.

5 18 f. Objectives, policies, and programs to guide the future
5 19 development of a safe, convenient, efficient, and economical
5 20 transportation system. Plans for such a transportation system
5 21 may be coordinated with state and regional transportation
5 22 plans and take into consideration the need for diverse modes
5 23 of transportation, accessibility, and interconnectivity of the
5 24 various modes of transportation.

5 25 g. Objectives, policies, and programs to promote the
5 26 stabilization, retention, or expansion of economic development
5 27 and employment opportunities. The comprehensive plan or land
5 28 development regulations may include an analysis of current
5 29 industries and economic activity and identify economic growth
5 30 goals for the municipality. The comprehensive plan or land
5 31 development regulations may also identify locations for future
5 32 brownfield or grayfield development.

5 33 h. Objectives, policies, and programs addressing
5 34 preservation and protection of agricultural and natural
5 35 resources. The comprehensive plan or land development



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6 1 regulations may address issues relating to groundwater,
6 2 forests, agricultural areas, environmentally sensitive areas,
6 3 threatened and endangered species, stream corridors, surface
6 4 water, floodplains, woodlands, wetlands, wildlife habitats,
6 5 open spaces, and parks.

6 6 i. Objectives, policies, and programs to assist future
6 7 development of educational facilities, cemeteries, health
6 8 care facilities, child care facilities, law enforcement and
6 9 fire protection facilities, libraries, and other governmental
6 10 facilities that are necessary or desirable to meet the
6 11 projected needs of the municipality.

6 12 j. Objectives, policies, and programs to identify
6 13 characteristics and qualities that make the municipality unique
6 14 and that are important to the municipality's heritage and
6 15 quality of life.

6 16 k. Objectives, policies, and programs that identify the
6 17 natural and other hazards that have the greatest likelihood of
6 18 impacting the municipality as such hazards relate to land use
6 19 and development decisions, as well as the steps necessary to
6 20 mitigate risk consistent with the local hazard mitigation plan
6 21 approved by the federal emergency management agency.

6 22 l. Objectives, policies, and programs for joint planning
6 23 and joint decision making with other municipalities or
6 24 governmental entities, including school districts and drainage
6 25 districts, for siting and constructing public facilities and
6 26 sharing public services. The comprehensive plan or land
6 27 development regulations may identify existing or potential
6 28 conflicts between the municipality and other local governments
6 29 related to future development of the municipality and may
6 30 include recommendations for resolving such conflicts. The
6 31 comprehensive plan or land development regulations may
6 32 also identify opportunities to collaborate and partner with
6 33 neighboring jurisdictions and other entities in the region for
6 34 projects of mutual interest.

6 35 m. A compilation of programs and specific actions necessary



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7 1 to implement any provision of the comprehensive plan, including
7 2 changes to any applicable land development regulations,
7 3 official maps, or subdivision ordinances.

7 4 Sec. 3. Section 28I.4, Code 2009, is amended to read as
7 5 follows:

7 6 28I.4 Powers and duties.

7 7 1. The commission shall have the power and duty to
7 8 make comprehensive studies and plans for the development
7 9 of the area it serves which will guide the unified
7 10 development of the area and which will eliminate planning
7 11 duplication and promote economy and efficiency in the
7 12 ~~co-ordinated~~ coordinated development of the area and the
7 13 general welfare, convenience, safety, and prosperity of its
7 14 people. The plan or plans collectively shall be known as
7 15 the regional or metropolitan development plan. The plans
7 16 for the development of the area may include, but shall not
7 17 be limited to, recommendations with respect to existing
7 18 and proposed highways, bridges, airports, streets, parks
7 19 and recreational areas, schools and public institutions and
7 20 public utilities, public open spaces, and sites for public
7 21 buildings and structures; districts for residence, business,
7 22 industry, recreation, agriculture, and forestry; water supply,
7 23 sanitation, drainage, protection against floods and other
7 24 disasters; areas for housing developments, slum clearance
7 25 and urban renewal and redevelopment; location of private
7 26 and public utilities, including but not limited to sewerage
7 27 and water supply systems; and such other recommendations
7 28 concerning current and impending problems as may affect the
7 29 area served by the commission. Time and priority schedules and
7 30 cost estimates for the accomplishment of the recommendations
7 31 may also be included in the plans. The plans shall be made
7 32 with consideration of the smart planning principles under
7 33 section 18B.1. The plans shall be based upon and include
7 34 appropriate studies of the location and extent of present
7 35 and anticipated populations; social, physical, and economic



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8 1 resources, problems and trends; and governmental conditions and
8 2 trends. The commission is also authorized to make surveys,
8 3 land-use studies, and urban renewal plans, provide technical
8 4 services and other planning work for the area it serves and
8 5 for cities, counties, and other political subdivisions in
8 6 the area. A plan or plans of the commission may be adopted,
8 7 added to, and changed from time to time by a majority
8 8 vote of the planning commission. The plan or plans may in
8 9 whole or in part be adopted by the governing bodies of the
8 10 ~~co-operating~~ cooperating cities and counties as the general
8 11 plans of such cities and counties. The commission may also
8 12 assist the governing bodies and other public authorities or
8 13 agencies within the area it serves in carrying out any regional
8 14 plan or plans, and assist any planning commission, board or
8 15 agency of the cities and counties and political subdivisions
8 16 in the preparation or effectuation of local plans and planning
8 17 consistent with the program of the commission. The commission
8 18 may ~~co-operate~~ cooperate and confer, as far as possible, with
8 19 planning agencies of other states or of regional groups of
8 20 states adjoining its area.

8 21 2. A planning commission formed under the provisions of
8 22 this chapter shall, upon designation as such by the governor,
8 23 serve as a district, regional, or metropolitan agency for
8 24 comprehensive planning for its area for the purpose of carrying
8 25 out the functions as defined for such an agency by federal,
8 26 state, and local laws and regulations.

8 27 Sec. 4. Section 329.3, Code 2009, is amended to read as
8 28 follows:

8 29 329.3 Zoning regulations == powers granted.

8 30 Every municipality having an airport hazard area within
8 31 its territorial limits may adopt, administer, and enforce
8 32 in the manner and upon the conditions prescribed by this
8 33 chapter, zoning regulations for such airport hazard area,
8 34 which regulations may divide such area into zones and, within
8 35 such zones, specify the land uses permitted, and regulate



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9 1 and restrict, for the purpose of preventing airport hazards,
9 2 the height to which structures and trees may be erected or
9 3 permitted to grow. Regulations adopted under this chapter
9 4 shall be made with consideration of the smart planning
9 5 principles under section 18B.1.

9 6 Sec. 5. Section 335.5, Code 2009, is amended to read as
9 7 follows:

9 8 335.5 Objectives.

9 9 1. The regulations shall be made in accordance with a
9 10 comprehensive plan and designed to preserve the availability
9 11 of agricultural land; to consider the protection of soil
9 12 from wind and water erosion; to encourage efficient urban
9 13 development patterns; to lessen congestion in the street or
9 14 highway; to secure safety from fire, flood, panic, and other
9 15 dangers; to protect health and the general welfare; to provide
9 16 adequate light and air; to prevent the overcrowding of land;
9 17 to avoid undue concentration of population; to promote the
9 18 conservation of energy resources; to promote reasonable access
9 19 to solar energy; and to facilitate the adequate provision of
9 20 transportation, water, sewerage, schools, parks, and other
9 21 public requirements. However, provisions of this section
9 22 relating to the objectives of energy conservation and access
9 23 to solar energy shall not be construed as voiding any zoning
9 24 regulation existing on July 1, 1981, or to require zoning in a
9 25 county that did not have zoning prior to July 1, 1981.

9 26 2. ~~Such~~ The regulations shall be made with reasonable
9 27 consideration, among other things, as to the character of the
9 28 area of the district and the peculiar suitability of such area
9 29 for particular uses, and with a view to conserving the value
9 30 of buildings and encouraging the most appropriate use of land
9 31 throughout such county.

9 32 3. The regulations shall be made with consideration of the
9 33 smart planning principles under section 18B.1 and may include
9 34 the information specified in section 18B.2, subsection 2.



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10 1 Sec. 6. Section 414.3, Code 2009, is amended to read as
10 2 follows:

10 3 414.3 Basis of regulations.

10 4 1. The regulations shall be made in accordance with a
10 5 comprehensive plan and designed to preserve the availability of
10 6 agricultural land; to consider the protection of soil from wind
10 7 and water erosion; to encourage efficient urban development
10 8 patterns; to lessen congestion in the street; to secure safety
10 9 from fire, flood, panic, and other dangers; to promote health
10 10 and the general welfare; to provide adequate light and air; to
10 11 prevent the overcrowding of land; to avoid undue concentration
10 12 of population; to promote the conservation of energy resources;
10 13 to promote reasonable access to solar energy; and to facilitate
10 14 the adequate provision of transportation, water, sewerage,
10 15 schools, parks, and other public requirements. However,
10 16 provisions of this section relating to the objectives of energy
10 17 conservation and access to solar energy do not void any zoning
10 18 regulation existing on July 1, 1981, or require zoning in a
10 19 city that did not have zoning prior to July 1, 1981.

10 20 2. ~~Such~~ The regulations shall be made with reasonable
10 21 consideration, among other things, as to the character of the
10 22 area of the district and the peculiar suitability of such area
10 23 for particular uses, and with a view to conserving the value
10 24 of buildings and encouraging the most appropriate use of land
10 25 throughout such city.

10 26 3. The regulations shall be made with consideration of the
10 27 smart planning principles under section 18B.1 and may include
10 28 the information specified in section 18B.2, subsection 2.

10 29 Sec. 7. IOWA SMART PLANNING TASK FORCE.

10 30 1. An Iowa smart planning task force is established
10 31 consisting of twenty-seven voting members and four ex officio,
10 32 nonvoting members.

10 33 2. Members of the task force shall consist of all of the
10 34 following:

10 35 a. Thirteen state agency director or administrator members



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- 11 1 consisting of all of the following:
- 11 2 (1) The director of the department on aging or the
11 3 director's designee.
- 11 4 (2) The director of the department of economic development
11 5 or the director's designee.
- 11 6 (3) The secretary of agriculture and land stewardship or the
11 7 secretary's designee.
- 11 8 (4) The director of the department of cultural affairs or
11 9 the director's designee.
- 11 10 (5) The director of the department of public health or the
11 11 director's designee.
- 11 12 (6) The director of the department of management or the
11 13 director's designee.
- 11 14 (7) The director of the department of natural resources or
11 15 the director's designee.
- 11 16 (8) The director of the department of workforce development
11 17 or the director's designee.
- 11 18 (9) The director of the office of energy independence or the
11 19 director's designee.
- 11 20 (10) The director of the department of transportation or the
11 21 director's designee.
- 11 22 (11) The administrator of the homeland security and
11 23 emergency management division of the department of public
11 24 defense or the administrator's designee.
- 11 25 (12) The director of the rebuild Iowa office or the
11 26 director's designee.
- 11 27 (13) The state building code commissioner or the
11 28 commissioner's designee.
- 11 29 b. Director of community and economic development at Iowa
11 30 state university extension or the director's designee.
- 11 31 c. Director of the urban and regional planning program at
11 32 the university of Iowa or the director's designee.
- 11 33 d. Director of the institute for decision making at the
11 34 university of northern Iowa or the director's designee.
- 11 35 e. President of the Iowa chapter of the American planning



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12 1 association or the president's designee.
12 2 f. Executive director of the Iowa association of regional
12 3 councils or the executive director's designee.
12 4 g. President of the Iowa chapter of the American institute
12 5 of architects or the president's designee.
12 6 h. Executive director of the Iowa league of cities or the
12 7 executive director's designee.
12 8 i. Executive director of the Iowa state association of
12 9 counties or the executive director's designee.
12 10 j. A representative appointed by the governor from a city
12 11 having a population of five thousand or less according to the
12 12 latest preceding certified federal census.
12 13 k. A representative appointed by the governor from a
12 14 city having a population of more than five thousand and less
12 15 than twenty-five thousand according to the latest preceding
12 16 certified federal census.
12 17 l. A representative appointed by the governor from a city
12 18 having a population of twenty-five thousand or more according
12 19 to the latest preceding certified federal census.
12 20 m. A representative appointed by the governor from a county
12 21 having a population of ten thousand or less according to the
12 22 latest preceding certified federal census.
12 23 n. A representative appointed by the governor from a county
12 24 having a population of more than ten thousand and less than
12 25 fifty thousand according to the latest preceding certified
12 26 federal census.
12 27 o. A representative appointed by the governor from a county
12 28 having a population of fifty thousand or more according to the
12 29 latest preceding certified federal census.
12 30 3. The task force shall include four members of the general
12 31 assembly serving as ex officio, nonvoting members, with not
12 32 more than one member from each chamber being from the same
12 33 political party. The two senators shall be appointed one each
12 34 by the majority leader of the senate after consultation with
12 35 the president of the senate, and by the minority leader of the



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13 1 senate. The two representatives shall be appointed one each by
13 2 the speaker of the house of representatives after consultation
13 3 with the majority leader of the house of representatives, and
13 4 by the minority leader of the house of representatives.

13 5 4. The task force may establish committees and
13 6 subcommittees comprised of members of the task force.

13 7 5. Members of the task force designated in subsection 2,
13 8 paragraphs "j" through "o" shall serve at the pleasure of the
13 9 governor.

13 10 6. A vacancy on the task force shall be filled in the same
13 11 manner as the original appointment.

13 12 7. a. A majority of the members of the task force
13 13 constitutes a quorum. Any action taken by the task force
13 14 must be adopted by the affirmative vote of a majority of its
13 15 membership. A task force member's designee may vote on task
13 16 force matters in the absence of the member.

13 17 b. The task force shall elect a chairperson and vice
13 18 chairperson from the membership of the task force.

13 19 c. The task force shall meet at least four times before
13 20 November 15, 2010. Meetings of the task force may be called
13 21 by the chairperson or by a majority of the members. However,
13 22 the first meeting of the task force shall be called by the
13 23 governor.

13 24 d. Members of the task force shall not be compensated for
13 25 meeting participation or reimbursed for costs associated with
13 26 meeting attendance. A legislative member is not eligible for
13 27 per diem and expenses as provided in section 2.10.

13 28 8. The rebuild Iowa office and the department of management
13 29 shall provide staff assistance and administrative support to
13 30 the task force.

13 31 9. The task force shall comply with the requirements of
13 32 chapters 21 and 22. The rebuild Iowa office shall be the
13 33 official repository of task force records.

13 34 10. The duties of the task force shall include but are not
13 35 limited to the following:



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- 14 1 a. Consult land use experts, representatives of cities
14 2 and counties, agricultural and environmental interests, urban
14 3 and regional planning experts, reports or information from
14 4 the local government innovation commission, and all other
14 5 information deemed relevant by task force members.
- 14 6 b. Solicit information from the general public on matters
14 7 related to comprehensive planning.
- 14 8 c. Evaluate state policies, programs, statutes, and rules
14 9 to determine whether any state policies, programs, statutes, or
14 10 rules should be revised to integrate the Iowa smart planning
14 11 principles under section 18B.1.
- 14 12 d. Develop statewide goals for comprehensive planning that
14 13 utilize the Iowa smart planning principles under section 18B.1,
14 14 and develop recommendations for a process to measure progress
14 15 toward achieving those goals.
- 14 16 e. Evaluate and develop incentives to conduct comprehensive
14 17 planning, including but not limited to state financial and
14 18 technical assistance.
- 14 19 f. Develop a model for regional comprehensive planning
14 20 within the state and recommend partnerships between state
14 21 agencies, local governments, educational institutions, and
14 22 research facilities.
- 14 23 g. Develop recommendations for administration of a state
14 24 comprehensive planning program that operates consistently with
14 25 the Iowa smart planning principles under section 18B.1 and that
14 26 does all of the following:
- 14 27 (1) Coordinates, facilitates, and centralizes the exchange
14 28 of information related to state and local planning, zoning, and
14 29 development between state agencies and the general assembly.
- 14 30 (2) Establishes infrastructure investment goals.
- 14 31 (3) Coordinates discussions concerning a proposed
14 32 geographic information system between the producers and the
14 33 users of such systems.
- 14 34 (4) Allows the efficient production and dissemination of
14 35 population and other demographic statistical forecasts.



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15 1 (5) Creates a centralized electronic storage location for
15 2 all comprehensive plans adopted under chapter 335 or chapter
15 3 414.

15 4 (6) Facilitates the cooperation of state and local
15 5 governments with comprehensive planning, educational, and
15 6 research programs.

15 7 (7) Provides and administers technical and financial
15 8 assistance for state and local comprehensive planning.

15 9 (8) Provides information to local governments relating
15 10 to state and federal resources and other resources for
15 11 comprehensive planning.

15 12 11. The task force shall prepare a report that includes
15 13 goals, recommendations, and other information described in
15 14 subsection 10, to the governor and the general assembly on or
15 15 before November 15, 2010.

15 16 EXPLANATION

15 17 This bill creates new Code section 18B.1, which establishes
15 18 ten smart planning principles. State agencies, local
15 19 governments, and other public entities are required to
15 20 consider and may apply the principles during all appropriate
15 21 planning, zoning, development, and resource management
15 22 decisions. The smart planning principles encourage
15 23 collaboration with other groups and individuals, identify
15 24 the importance of efficiency, transparency, and consistency,
15 25 advise the use of clean and renewable energy, advise the
15 26 use of energy-efficient and sustainable design options,
15 27 encourage occupational, transportation, and housing diversity,
15 28 encourage revitalization, identify the importance of community
15 29 character, and encourage decisions that will protect natural
15 30 and agricultural resources.

15 31 Municipalities, defined as a city or a county in new
15 32 Code section 18B.2, are also directed to consider the smart
15 33 planning principles if the municipality develops or amends a
15 34 comprehensive plan under Code chapter 335 or Code chapter 414,
15 35 as applicable.



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16 1 Under new Code section 18B.2, a municipality may also
16 2 consider including certain specified information in any such
16 3 comprehensive plan or other land development regulations.
16 4 The list of items specified in the bill includes information
16 5 relating to public participation during the creation of the
16 6 plan, objectives, policies, goals, and programs relating to
16 7 utilities, housing, transportation, economic development,
16 8 employment, protection of agricultural and natural resources,
16 9 future development of certain specified public facilities,
16 10 characteristics unique to the municipality, and natural or
16 11 other hazards. A comprehensive plan or land development
16 12 regulations may also include information relating to joint
16 13 planning and joint decision making with other governmental
16 14 entities. The bill provides that a comprehensive plan may
16 15 include a compilation of programs and specific actions to be
16 16 completed, including changes to any applicable land development
16 17 regulations, official maps, or subdivision ordinances that are
16 18 necessary to implement any provision of the plan.

16 19 The bill establishes an Iowa smart planning task force
16 20 consisting of 27 voting members and four ex officio, nonvoting
16 21 members from the general assembly. The voting members consist
16 22 of the heads of 13 specified state agencies and 14 other
16 23 members from specified academic programs, governmental entities
16 24 and organizations, and industry associations. Members of the
16 25 task force, other than those who are the head of a state agency
16 26 or from specified programs, organizations, and associations,
16 27 serve at the pleasure of the governor. Vacancies on the
16 28 task force are filled in the same manner as the original
16 29 appointment.

16 30 The task force is required to meet at least four times before
16 31 November 15, 2010. The bill authorizes the task force to
16 32 establish committees and subcommittees. Members of the task
16 33 force are not compensated for meeting participation and are
16 34 not reimbursed for costs associated with meeting attendance.
16 35 The rebuild Iowa office and the department of management are



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17 1 required to provide staff assistance and administrative support
17 2 to the task force. The task force is required to comply with
17 3 the requirements of Code chapters 21 and 22, relating to
17 4 meetings and public records.
17 5 The bill requires the task force to consult land use experts,
17 6 representatives of cities and counties, agricultural and
17 7 environmental interests, urban and regional planning experts,
17 8 reports or information from the local government innovation
17 9 commission, and all other information deemed relevant by
17 10 task force members. The task force is also required to
17 11 solicit information from the public on matters related to
17 12 comprehensive planning, evaluate state policies, programs,
17 13 statutes, and rules to determine whether any state policies,
17 14 programs, statutes, or rules should be revised to integrate the
17 15 Iowa smart planning principles, develop statewide goals for
17 16 comprehensive planning that utilize the Iowa smart planning
17 17 principles, and develop recommendations for a process to
17 18 measure progress toward achieving those goals.
17 19 The task force is further directed to evaluate and develop
17 20 methods to incentivize comprehensive planning, develop a
17 21 model for regional comprehensive planning within the state,
17 22 and develop recommendations for administration of a state
17 23 comprehensive planning program that operates consistently with
17 24 the Iowa smart planning principles.
17 25 The bill requires the task force to prepare a report that
17 26 includes goals, recommendations, and other information and
17 27 submit it to the governor and general assembly on or before
17 28 November 15, 2010.

LSB 5361SC (2) 83
md/sc



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Senate Study Bill 3097

SENATE/HOUSE FILE
BY (PROPOSED REBUILD IOWA
OFFICE BILL)

A BILL FOR

- 1 An Act relating to disaster recovery case management.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5351DP (3) 83
tm/nh



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1 1 Section 1. NEW SECTION. 29C.20B Disaster case management.
1 2 1. The department of human services shall work with
1 3 nonprofit, voluntary, and faith-based organizations active
1 4 in disaster recovery and response in coordination with
1 5 the homeland security and emergency management division
1 6 to establish and coordinate a statewide system of disaster
1 7 case management to be activated following the governor's
1 8 proclamation of a disaster emergency or the declaration of a
1 9 major disaster by the president of the United States. Under
1 10 the system, the department of human services shall coordinate
1 11 the provision of services locally through local committees as
1 12 established in each county's emergency plan.
1 13 2. The department of human services, in conjunction with
1 14 the homeland security and emergency management division and an
1 15 Iowa representative to the national voluntary organizations
1 16 active in disaster, shall adopt rules pursuant to chapter
1 17 17A to create coordination mechanisms and standards for the
1 18 establishment and implementation of a statewide system of
1 19 disaster case management which shall include at least all of
1 20 the following:
1 21 a. Disaster case management standards.
1 22 b. Disaster case management policies.
1 23 c. Reporting requirements.
1 24 d. Eligibility criteria.
1 25 e. Coordination mechanisms necessary to carry out the
1 26 services provided.
1 27 f. Develop formal working relationships with agencies and
1 28 create interagency agreements for those considered to provide
1 29 disaster case management services.
1 30 g. Provide a central point of coordination of all available
1 31 services for individuals from multiple agencies.
1 32 Sec. 2. BUSINESS DISASTER CASE MANAGEMENT TASK FORCE.
1 33 1. A business disaster case management task force is
1 34 established to research disaster recovery case management
1 35 assistance needed for businesses following a major disaster.



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- 2 1 The task force shall recommend steps for preparing to provide
2 2 such assistance following disasters.
2 3 2. The task force shall consult with experts, businesses
2 4 impacted by previous disasters, and other interested
2 5 stakeholders.
2 6 3. The task force shall submit written recommendations to
2 7 the governor and the general assembly by November 15, 2010.
2 8 4. The rebuild Iowa office shall provide staffing for the
2 9 task force.
2 10 5. The task force shall consist of the following members
2 11 appointed by the governor:
2 12 a. A representative of the United States small business
2 13 administration.
2 14 b. A representative of Iowa small business development
2 15 centers.
2 16 c. A representative of the safeguard Iowa partnership.
2 17 d. A representative of professional developers of Iowa.
2 18 e. A representative of the Iowa association of business and
2 19 industry.
2 20 f. A representative of the Iowa retail federation.
2 21 g. A representative of the department of economic
2 22 development.
2 23 h. A representative of the homeland security and emergency
2 24 management division of the department of public defense.
2 25 i. Two business owners.
2 26 6. Members of the task force shall not receive a per diem,
2 27 shall not be reimbursed for actual and necessary expenses while
2 28 in attendance at any meeting, and shall not be reimbursed for
2 29 travel expenses.
2 30 7. The task force may conduct meetings telephonically.

2 31 EXPLANATION

2 32 This bill relates to disaster recovery case management.
2 33 The bill requires the department of human services to work
2 34 with nonprofit, voluntary, and faith-based organizations active
2 35 in disaster recovery and response in coordination with the



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3 1 homeland security and emergency management division of the
3 2 department of public defense to establish and coordinate a
3 3 statewide system of disaster case management to be activated
3 4 following the governor's proclamation of a disaster emergency
3 5 or the declaration of a major disaster by the president of
3 6 the United States. The department is required to coordinate
3 7 the provision of services locally through local committees as
3 8 established in each county's emergency plan.

3 9 The bill creates a business disaster case management task
3 10 force to research disaster recovery case management assistance
3 11 needed for businesses following a major disaster. The task
3 12 force shall recommend steps for preparing to provide such
3 13 assistance following disasters by November 15, 2010. The
3 14 rebuild Iowa office shall provide staffing for the task force.

LSB 5351DP (3) 83

tm/nh



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Senate Study Bill 3098

SENATE/HOUSE FILE
BY (PROPOSED REBUILD IOWA
OFFICE BILL)

A BILL FOR

- 1 An Act relating to flood plain management.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5352DP (8) 83
tm/rj



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1 1 Section 1. NEW SECTION. 455B.276A Flood plains.
1 2 1. When an area of the state is identified as a two-tenths
1 3 percent flood plain on a flood insurance rate map certified by
1 4 the federal emergency management agency or on a flood plain
1 5 map produced by the department, the two-tenths percent flood
1 6 plain shall be the applicable flood plain designation for the
1 7 purposes of this chapter and rules adopted pursuant to this
1 8 chapter. An area of this state on the landward side of a flood
1 9 control levee recognized by the federal emergency management
1 10 agency as protecting against a two-tenths percent flood shall
1 11 not be considered part of a two-tenths percent flood plain and
1 12 shall not be subject to regulations for a two-tenths percent
1 13 flood.
1 14 2. The department and political subdivisions of this state
1 15 shall do all of the following:
1 16 a. Prohibit the reconstruction of structures and
1 17 infrastructure substantially damaged by a flood in a floodway.
1 18 This paragraph shall not apply to structures and infrastructure
1 19 necessary for the construction or maintenance of utility
1 20 facilities, transportation infrastructure, water control
1 21 facilities, or public infrastructure if more restrictive local
1 22 ordinances, permitting requirements, or other regulations
1 23 apply.
1 24 b. Limit reconstruction or new construction in a two-tenths
1 25 percent flood plain to not more than three vertical feet
1 26 of fill above the natural ground line. The department and
1 27 political subdivisions may permit means other than fill to
1 28 elevate structures.
1 29 c. Require new construction of facilities critical for
1 30 health and safety of the public and the environment to be
1 31 located in areas that are not designated two-tenths percent
1 32 flood plains whenever practicable. If not practicable, new
1 33 construction of facilities critical for health and safety of
1 34 the public and the environment built in a two-tenths percent
1 35 flood plain shall be designed to ensure that the operation



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2 1 and function of the facility can be maintained during the
2 2 occurrence of a two-tenths percent flood. Facilities critical
2 3 for health and safety of the public and the environment include
2 4 hospitals and nursing homes; emergency operations centers
2 5 including fire, police, and rescue facilities; vital data
2 6 storage centers; power generation and other utilities including
2 7 related infrastructure such as principal points of utility
2 8 systems; and any facilities that produce, use, or store toxic
2 9 pollutants.

2 10 Sec. 2. NEW SECTION. 466.10 Hydrological tiling study.
2 11 The department of agriculture and land stewardship shall
2 12 conduct a hydrological tiling study in conjunction with
2 13 hydrology experts from the Iowa flood center and Iowa state
2 14 university of science and technology to determine the impact
2 15 tile drainage has on infiltration, surface runoff, and flooding
2 16 and to evaluate the feasibility of seasonal retention of water
2 17 in tile drained fields as a drainage management strategy. The
2 18 impact of potholes, wetlands, and water retention structures
2 19 shall also be considered in the study.

2 20 Sec. 3. Section 466B.4, subsection 2, Code Supplement 2009,
2 21 is amended to read as follows:

2 22 2. Marketing campaign. The water resources coordinating
2 23 council shall develop a marketing campaign to educate Iowans
2 24 about the need to take personal responsibility for the quality
2 25 and quantity of water in their local watersheds. The emphasis
2 26 of the campaign shall be that not only is everyone responsible
2 27 for clean water, but that everyone benefits from it as well,
2 28 and that everyone is responsible for and benefits from reducing
2 29 the risk for flooding and mitigating possible future flood
2 30 damage. The goals of the campaign shall be to convince Iowans
2 31 to take personal responsibility for clean water and reducing
2 32 the risk of flooding and to equip them with the tools necessary
2 33 to effect change through local water quality improvement
2 34 projects and better flood plain management and flood risk
2 35 programs.



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3 1 Sec. 4. NEW SECTION. 466B.10 Multipurpose wetlands.
3 2 The department of agriculture and land stewardship, in
3 3 cooperation with the council, shall initiate programs to
3 4 integrate multipurpose wetlands into watersheds with drainage
3 5 districts or larger drainage systems and shall prioritize
3 6 funding for such programs that incorporate a holistic approach.
3 7 Existing drainage systems shall be retrofitted to provide for
3 8 nutrient trapping and treatment, more water infiltration and
3 9 evapotranspiration, greater water runoff retention, and habitat
3 10 to support biodiversity.

3 11 Sec. 5. NEW SECTION. 466B.11 Watershed demonstration pilot
3 12 project.
3 13 The department of natural resources and the department of
3 14 agriculture and land stewardship, in collaboration with the
3 15 United States department of agriculture's natural resources
3 16 conservation service and the Iowa flood center established
3 17 pursuant to section 466C.1, and in cooperation with the
3 18 council, shall seek funding to plan, implement, and monitor a
3 19 watershed demonstration pilot project for urban and rural areas
3 20 involving a twelve-digit hydrologic unit code subwatershed as
3 21 defined by the United States geological survey. The pilot
3 22 project shall include features that seek to do all of the
3 23 following:

3 24 1. Maximize soil water holding capacity from precipitation.
3 25 2. Minimize severe scour erosion and sand deposition during
3 26 floods.
3 27 3. Manage water runoff in uplands under saturated soil
3 28 moisture conditions.
3 29 4. Reduce and mitigate structural and nonstructural flood
3 30 damage.

3 31 Sec. 6. NEW SECTION. 466B.12 Flood plain managers.
3 32 The council shall encourage and support the formation
3 33 of a local chapter of the association of state flood plain
3 34 managers in Iowa that would provide a vehicle for local flood
3 35 plain managers and flood plain planners to further pursue



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4 1 professional educational opportunities.
4 2 Sec. 7. NEW SECTION. 466B.13 Flood education.
4 3 The Iowa state university agricultural extension service,
4 4 the council, and agency members of the council shall work
4 5 with flood plain and hydrology experts to educate the general
4 6 public about flood plains, flood risks, and basic flood plain
4 7 management principles. This educational effort shall include
4 8 all of the following:
4 9 1. Developing a statewide soil moisture monitoring network
4 10 for assessing flood risk through the Iowa water center of Iowa
4 11 state university of science and technology and the Leopold
4 12 center for sustainable agriculture established in section
4 13 266.39, and make extensive use of existing tools and knowledge
4 14 focused on soil health, specifically the soil conditioning
4 15 index of the United States department of agriculture's natural
4 16 resources conservation service as a common metric for improved
4 17 agronomic and conservation practices.
4 18 2. Developing educational materials and programs in
4 19 consultation with flood plain experts.
4 20 3. Expanding use of existing integrated farm and land
4 21 resource management tools to assist planners, landowners,
4 22 and farmers in planning and creating infiltration systems to
4 23 accommodate rainfalls of up to one and one-quarter inch and
4 24 support conservation and business planning.
4 25 Sec. 8. NEW SECTION. 466B.14 Climate criteria.
4 26 The department of natural resources and the department
4 27 of agriculture and land stewardship, in cooperation with
4 28 the council, shall work with the United States department
4 29 of agriculture's natural resources conservation service to
4 30 reassess criteria for conservation practices due to changing
4 31 climate. This shall include all of the following technical
4 32 standards and manuals:
4 33 1. The field office technical guide of the natural resources
4 34 conservation service for conservation criteria.
4 35 2. The engineering field manual of the natural resources



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5 1 conservation service for design criteria.

5 2 Sec. 9. Section 558A.4, subsection 1, Code 2009, is amended
5 3 to read as follows:

5 4 1. The disclosure statement shall include information
5 5 relating to the condition and important characteristics
5 6 of the property and structures located on the property,
5 7 including significant defects in the structural integrity of
5 8 the structure, the type of flood plain where the structure
5 9 is located, and whether alluvial soils are present on the

5 10 property, as provided in rules which shall be adopted by the
5 11 real estate commission pursuant to section 543B.9. The rules
5 12 may require the disclosure to include information relating
5 13 to the property's zoning classification; the condition of
5 14 plumbing, heating, or electrical systems; or the presence of
5 15 pests.

5 16 Sec. 10. STORM WATER STANDARDS. The department of natural
5 17 resources shall adopt minimum storm water standards to be
5 18 implemented by July 1, 2011. The standards shall limit
5 19 water runoff, reduce potential future flood damage, assess
5 20 the effects of stream channelization, and improve watershed
5 21 management in terms of both water quality and water quantity.

5 22 Sec. 11. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
5 23 PERMITS FOR STORM WATER DISCHARGE. The department of natural
5 24 resources shall modify permits valid on July 1, 2010, and
5 25 issued under the national pollutant discharge elimination
5 26 system permit program to require the mitigation of soil
5 27 compaction and replacement of topsoil as part of completing
5 28 the construction for permitted actions involving one or more
5 29 acres of land disturbance. The department shall include such
5 30 requirements in new permits issued on or after July 1, 2010.

5 31 Sec. 12. LEVEE INVESTMENT.

5 32 1. The department of natural resources shall establish
5 33 criteria to prioritize investments in levees in situations
5 34 where no other practicable alternatives exist for mitigating
5 35 flood damage risk.



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7 1 the campaign must also include information regarding reducing
7 2 the risk of flooding and mitigating possible future flood
7 3 damage.

7 4 The bill requires the department of agriculture and
7 5 land stewardship, in cooperation with the water resources
7 6 coordinating council, to initiate programs to integrate
7 7 multipurpose wetlands into watersheds with drainage districts
7 8 or larger drainage systems and shall prioritize funding for
7 9 such programs that incorporate a holistic approach.

7 10 The bill requires the department of natural resources
7 11 and the department of agriculture and land stewardship, in
7 12 collaboration with the natural resources conservation service
7 13 and the Iowa flood center, and in cooperation with the water
7 14 resources coordinating council, to seek funding to plan,
7 15 implement, and monitor a watershed demonstration pilot project
7 16 for urban and rural areas involving a twelve-digit hydrologic
7 17 unit code subwatershed as defined by the United States
7 18 geological survey.

7 19 The bill requires the water resources coordinating council
7 20 to encourage and support the formation of a local chapter of
7 21 the association of state flood plain managers in Iowa.

7 22 The bill requires the Iowa state university agricultural
7 23 extension service, the water resources coordinating council,
7 24 and agency members of the council to work with flood plain
7 25 and hydrology experts to educate the general public about
7 26 flood plains, flood risks, and basic flood plain management
7 27 principles.

7 28 The bill requires the department of natural resources
7 29 and the department of agriculture and land stewardship, in
7 30 cooperation with the water resources coordinating council, to
7 31 work with natural resources conservation service to reassess
7 32 criteria for conservation practices due to changing climate.

7 33 The bill requires disclosure statements for certain real
7 34 estate transactions to include disclosures regarding the type
7 35 of flood plain where the structure is located and whether



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8 1 alluvial soils are present on the property.
8 2 The bill requires the department of natural resources to
8 3 adopt minimum storm water standards to be implemented by July
8 4 1, 2011.
8 5 The bill requires the department of natural resources to
8 6 modify permits valid on July 1, 2010, and issued under the
8 7 national pollutant discharge elimination system permit program
8 8 to require the mitigation of soil compaction and replacement of
8 9 topsoil as part of completing the construction for permitted
8 10 actions involving one or more acres of land disturbance. The
8 11 department must also include such requirements in new permits
8 12 issued on or after July 1, 2010.
8 13 The bill requires the department of natural resources to
8 14 establish criteria to prioritize investments in levees in
8 15 situations where no other practicable alternatives exist for
8 16 mitigating flood damage risk.
8 17 The bill requires the department of natural resources,
8 18 in lieu of levees in rural areas, to encourage policies and
8 19 practices that give priority to reconnecting streams and rivers
8 20 to their flood plains through modification or removal of
8 21 existing levees and discourage the construction of additional
8 22 levees.
8 23 The bill requires the department of natural resources
8 24 to work cooperatively with state and federal departments
8 25 and agencies and with private organizations to develop an
8 26 interagency assessment and prioritization process to guide
8 27 easement and land purchase decisions and other infrastructure
8 28 management efforts in flood plain areas.

LSB 5352DP (8) 83

tm/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 19, 2010

Senate Study Bill 3099

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



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 19, 2010

Senate Study Bill 3099 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:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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Senate Study Bill 3099 continued

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.

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kh/nh