



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 20, 2010

House File 2076 - Introduced

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

A BILL FOR

1 An Act establishing an Iowa innovation council in the
2 department of economic development.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5162DP (8) 83
tw/sc



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1 1 Section 1. Section 15.102, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 6A. "Targeted industries" means the same as
1 4 defined in section 15.411, subsection 1.
1 5 Sec. 2. Section 15.117, Code 2009, is amended to read as
1 6 follows:
1 7 15.117 Chief technology officer.
1 8 The governor shall appoint a chief technology officer
1 9 for the state. The chief technology officer shall serve
1 10 a ~~four-year~~ two-year term and shall have national or
1 11 international stature as a senior executive at a technology
1 12 business in one of the targeted industries. ~~The chief~~
~~1 13 technology officer shall coordinate the activities of the~~
~~1 14 technology commercialization specialist employed pursuant to~~
~~1 15 section 15.115. The chief technology officer shall serve as~~
~~1 16 a spokesperson for the department for purposes of promoting~~
~~1 17 to private sector businesses the technology commercialization~~
~~1 18 efforts of the department and the research and technology~~
~~1 19 capabilities of institutions of higher learning in the state.~~
1 20 Sec. 3. NEW SECTION. 15.117A Iowa innovation council.
1 21 1. An Iowa innovation council is established within the
1 22 department. The department shall provide the council with
1 23 staff and administrative support. The department may expend
1 24 moneys allocated to the innovation and commercialization
1 25 division in order to provide such support. The department may
1 26 adopt rules for the implementation of this section.
1 27 2. The council shall consist of the following members:
1 28 a. Twenty-seven voting members as follows:
1 29 (1) Twenty members selected by the board to serve staggered,
1 30 two-year terms beginning and ending as provided in section
1 31 69.19. Of the members selected by the board, seven shall be
1 32 representatives from businesses in the targeted industries
1 33 and thirteen shall be individuals who serve on the technology
1 34 commercialization committee created in section 15.116, or
1 35 other committees of the board, and who have expertise with the



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2 1 targeted industries. At least ten of the members selected
2 2 pursuant to this subparagraph shall be executives actively
2 3 engaged in the management of a business in a targeted industry.
2 4 The members selected pursuant to this paragraph shall reflect
2 5 the size and diversity of businesses in the targeted industries
2 6 and of the various geographic areas of the state.
2 7 (2) One member, selected by the governor, who also serves on
2 8 the Iowa capital investment board created in section 15E.63.
2 9 (3) The director of the department, or the director's
2 10 designee.
2 11 (4) The chief technology officer appointed pursuant to
2 12 section 15.117.
2 13 (5) The person designated as the chief information officer
2 14 pursuant to section 8A.104, subsection 12, or, if no person
2 15 has been so designated, the director of the department of
2 16 administrative services, or the director's designee.
2 17 (6) The president of the state university of Iowa, or the
2 18 president's designee.
2 19 (7) The president of Iowa state university of science and
2 20 technology, or the president's designee.
2 21 (8) The president of the university of northern Iowa, or the
2 22 president's designee.
2 23 b. Four members of the general assembly serving two-year
2 24 terms in a nonvoting, ex officio capacity, with two from the
2 25 senate and two from the house of representatives and not more
2 26 than one member from each chamber being from the same political
2 27 party. The two senators shall be designated one member each
2 28 by the president of the senate after consultation with the
2 29 majority leader of the senate, and by the minority leader of
2 30 the senate. The two representatives shall be designated one
2 31 member each by the speaker of the house of representatives
2 32 after consultation with the majority leader of the house of
2 33 representatives, and by the minority leader of the house of
2 34 representatives.
2 35 3. To be eligible to serve as a designee pursuant to



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3 1 subsection 2, a person must have sufficient authority to make
3 2 decisions on behalf of the organization being represented.
3 3 A person named as a designee pursuant to subsection 2 shall
3 4 not name a designee nor permit a substitute to attend council
3 5 meetings.
3 6 4. The chief technology officer appointed pursuant to
3 7 section 15.117 shall be the chairperson of the council and
3 8 shall be responsible for convening meetings of the council and
3 9 coordinating its activities and shall convene the council at
3 10 least annually. The council shall annually elect one of the
3 11 voting members to serve as vice chairperson. A majority of
3 12 the members of the council constitutes a quorum. However,
3 13 the chief technology officer shall not convene a meeting of
3 14 the council unless the director of the department, or the
3 15 director's designee, is present at the meeting.
3 16 5. The council is not subject to the provisions of sections
3 17 69.16 and 69.16A.
3 18 6. The purpose of the council is to advise the department
3 19 on the development and implementation of public policies
3 20 that enhance innovation and entrepreneurship in the targeted
3 21 industries, with a particular focus on the information,
3 22 technology, and skills that increasingly dominate the
3 23 twenty-first century economy. Such advice may include
3 24 evaluating Iowa's competitive position in the global economy,
3 25 reviewing the technology typically utilized in the state's
3 26 manufacturing sector, assessing the state's overall scientific
3 27 research capacity, keeping abreast of the latest scientific
3 28 research and technological breakthroughs and offering guidance
3 29 as to their impact on public policy, recommending strategies
3 30 that foster innovation, increase new business formation, and
3 31 otherwise promote economic growth in the targeted industries,
3 32 and offering guidance about future developments in the targeted
3 33 industries.
3 34 7. The council shall do all of the following:
3 35 a. Create a comprehensive strategic plan for implementing



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4 1 specific policies that further the purpose of the council as
4 2 described in subsection 6.
4 3 b. Review annually all the economic development programs
4 4 administered by the department and the board that relate to the
4 5 targeted industries and make recommendations for adjustments
4 6 that enhance efficiency and effectiveness. In reviewing the
4 7 programs, the council shall, to the greatest extent possible,
4 8 utilize economic development data and research in order to make
4 9 objective, fact-based recommendations.
4 10 c. Act as a forum where issues affecting the research
4 11 community, the targeted industries, and policymakers can be
4 12 discussed and addressed and where collaborative relationships
4 13 can be formed.
4 14 d. Coordinate state government applications for federal
4 15 funds relating to research and economic development affecting
4 16 the targeted industries.
4 17 e. Conduct industry research and draft documents that
4 18 provide background information for use in decision making by
4 19 the general assembly, the governor, the department, and other
4 20 policymaking bodies within state government.

4 21 EXPLANATION

4 22 This bill establishes an Iowa innovation council within the
4 23 department of economic development.
4 24 The bill amends the term and duties of the chief technology
4 25 officer appointed pursuant to Code section 15.117 and provides
4 26 that the chief technology officer is the chairperson of the
4 27 council.
4 28 The council consists of 27 voting members. Twenty of the
4 29 members are selected by the economic development board to
4 30 serve staggered two-year terms. Of the members selected by
4 31 the board, seven are representatives from businesses in the
4 32 targeted industries and 13 are individuals who also serve on
4 33 the technology commercialization committee created in Code
4 34 section 15.116, or other committees of the board, and who
4 35 have expertise with the targeted industries. At least 10 of



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5 1 the members selected by the board must be executives actively
5 2 engaged in the management of a business in a targeted industry.
5 3 The remaining seven members consist of the following: one
5 4 member, selected by the governor, who also serves on the Iowa
5 5 capital investment board, the director of the department, or
5 6 the director's designee, the chief technology officer, the
5 7 chief information officer from the department of administrative
5 8 services, and the presidents of the regents universities or
5 9 their designees.

5 10 There are four legislative members serving on the council
5 11 in a nonvoting, ex officio capacity: two from the senate and
5 12 two from the house of representatives. These four members are
5 13 appointed by majority and minority leadership and there may
5 14 not be more than one member from each chamber from the same
5 15 political party.

5 16 The chief technology officer is responsible for convening
5 17 meetings of the council and coordinating its activities. The
5 18 council must annually elect one of the voting members to serve
5 19 as vice chairperson. The chief technology officer cannot
5 20 convene a meeting of the council unless the director of the
5 21 department, or the director's designee, is present at the
5 22 meeting.

5 23 The purpose of the council is to advise the department on the
5 24 development and implementation of public policies that enhance
5 25 innovation and entrepreneurship in the targeted industries,
5 26 with a particular focus on the information, technology, and
5 27 skills that increasingly dominate the twenty-first century
5 28 economy.

5 29 The bill provides that the council is not subject to the
5 30 political affiliation and gender balance requirements of Code
5 31 sections 69.16 and 69.16A.

5 32 The bill provides that the council must: create a
5 33 comprehensive strategic plan for implementing specific policies
5 34 that further the purpose of the council; review annually
5 35 all the economic development programs administered by the



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6 1 department and the board that relate to the targeted industries
6 2 and make recommendations for adjustments that enhance
6 3 efficiency and effectiveness; act as a forum where issues
6 4 affecting the research community, the targeted industries,
6 5 and policymakers can be discussed and addressed and where
6 6 collaborative relationships can be formed; coordinate state
6 7 government applications for federal funds relating to research
6 8 and economic development affecting the targeted industries;
6 9 conduct industry research and draft documents that provide
6 10 background information for use by the general assembly, the
6 11 governor, the department, and other policymaking bodies within
6 12 state government.

LSB 5162DP (8) 83

tw/sc



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HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act relating to submission of reimbursable claims under the
2 Medicaid program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5269YH (5) 83
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1 1 Section 1. MEDICAID SERVICES == SUBMISSION OF REIMBURSABLE
1 2 CLAIMS. The department of human services shall adopt rules
1 3 pursuant to chapter 17A to allow for reimbursement under the
1 4 medical assistance program for claims initially submitted by
1 5 a participating provider beyond one year after the date of
1 6 service for a covered service, consistent with federal Medicare
1 7 regulations regarding submission of claims.

1 8 EXPLANATION

1 9 This bill directs the department of human services to adopt
1 10 rules pursuant to chapter 17A to allow for reimbursement
1 11 under the Medicaid program for claims initially submitted by
1 12 a participating provider beyond one year after the date of
1 13 service for a covered service, consistent with federal Medicare
1 14 regulations regarding submission of claims.

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House File 2078 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act relating to certification requirements related to
2 services provided by an assisted living program, and
3 including effective date and retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 TLSB 5821HH (3) 83
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1 1 Section 1. Section 231C.3, subsection 4, paragraph a, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 a. Services provided by a certified assisted living program
1 4 may be provided directly by a person who is staff of the
1 5 assisted living program, by ~~individuals~~ a person contracting
1 6 with the assisted living program to provide services, or by
1 7 ~~individuals~~ a person employed by the tenant or with whom
1 8 the tenant contracts if the tenant agrees to assume the
1 9 responsibility and risk of the employment or the contractual
1 10 relationship. For the purposes of specifying the entity
1 11 providing services under this section, "person" means person
1 12 as defined in section 4.1 and includes a corporate parent,
1 13 subsidiary, or affiliate of an assisted living program.

1 14 Sec. 2. Section 231C.3, subsection 4, Code Supplement 2009,
1 15 is amended by adding the following new paragraph:

1 16 NEW PARAGRAPH. c. Certification of an assisted living
1 17 program shall require that an assisted living program is
1 18 prohibited from ceasing operation as an assisted living program
1 19 if the program provides or continues to provide services which
1 20 meet the definition of assisted living under this chapter by a
1 21 person as specified in paragraph "a". This prohibition shall
1 22 apply to any entity in this state that meets the definition of
1 23 assisted living program on or after July 1, 2009.

1 24 Sec. 3. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 25 APPLICABILITY. This Act, being deemed of immediate importance,
1 26 takes effect upon enactment and applies retroactively to July
1 27 1, 2009.

1 28 EXPLANATION

1 29 This bill relates to the services provided by an assisted
1 30 living program. The bill provides that services provided
1 31 by a certified assisted living program may be provided by
1 32 persons as specified in the bill and defines "person" to
1 33 mean person as defined in Code section 4.1, which means an
1 34 individual, corporation, limited liability company, government
1 35 or governmental subdivision or agency, business trust, estate,



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2 1 trust, partnership or association, or any other legal entity
2 2 and for the purposes of the bill specifically includes any
2 3 corporate parent, subsidiary, or affiliate of an assisted
2 4 living program.
2 5 The bill also provides that certification of an assisted
2 6 living program requires that an assisted living program is
2 7 prohibited from ceasing operation as an assisted living program
2 8 if the program provides or continues to provide services which
2 9 meet the definition of assisted living under the Code chapter
2 10 by a person as specified under the bill. The prohibition
2 11 applies to any entity in this state that meets the definition
2 12 of assisted living program on or after July 1, 2009.
2 13 The bill takes effect upon enactment and is retroactively
2 14 applicable to July 1, 2009.

LSB 5821HH (3) 83

pf/nh



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House File 2079 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act to require the department of inspections and appeals to
2 certify and monitor the operations of health care or other
3 agencies providing certain assisted living services and
4 providing for a fee and a criminal penalty.

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

TL5B 5110HH (4) 83

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1 1 Section 1. Section 135C.33, subsection 5, paragraph a,
1 2 subparagraph (5), Code Supplement 2009, is amended to read as
1 3 follows:

1 4 (5) An employee of an assisted living program or assisted
1 5 living care agency certified under chapter 231C, if the
1 6 employee provides direct services to consumers.

1 7 Sec. 2. Section 144C.3, subsection 4, Code Supplement 2009,
1 8 is amended to read as follows:

1 9 4. A funeral director, an attorney, or any agent, owner, or
1 10 employee of a funeral establishment, cremation establishment,
1 11 cemetery, elder group home, assisted living program, assisted
1 12 living care agency, adult day services program, or licensed
1 13 hospice program shall not serve as a designee unless related to
1 14 the declarant within the third degree of consanguinity.

1 15 Sec. 3. Section 231C.2, Code Supplement 2009, is amended by
1 16 adding the following new subsections:

1 17 NEW SUBSECTION. 2A. "Assisted living care agency" means
1 18 a health care or other agency that provides assisted living
1 19 services, with the exception of provision of housing, to three
1 20 or more dependent persons who reside in one or more group or
1 21 age-restricted facilities, including facilities regulated under
1 22 chapter 523D.

1 23 NEW SUBSECTION. 2B. "Client" means an individual who
1 24 receives services through a certified assisted living care
1 25 agency.

1 26 NEW SUBSECTION. 2C. "Client's legal representative" means a
1 27 person appointed by the court to act on behalf of a client or a
1 28 person acting pursuant to a power of attorney.

1 29 Sec. 4. Section 231C.3A, subsection 1, Code Supplement
1 30 2009, is amended to read as follows:

1 31 1. Any of the following circumstances disqualifies a
1 32 monitor from inspecting a particular assisted living program or
1 33 assisted living care agency under this chapter:

1 34 a. The monitor currently works or, within the past two
1 35 years, has worked as an employee or employment agency staff at



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2 1 the program or agency, or as an officer, consultant, or agent
2 2 for the program or agency to be monitored.
2 3 b. The monitor has any financial interest or any ownership
2 4 interest in the program or agency. For purposes of this
2 5 paragraph, indirect ownership, such as through a broad-based
2 6 mutual fund, does not constitute financial or ownership
2 7 interest.
2 8 c. The monitor has an immediate family member who has
2 9 a relationship with the program or agency as described in
2 10 paragraph "a" or "b".
2 11 d. The monitor has an immediate family member who currently
2 12 resides in the program or obtains services from the agency.
2 13 Sec. 5. NEW SECTION. 231C.3B Certification of assisted
2 14 living care agencies == fee.
2 15 1. The department shall establish by rule minimum standards
2 16 for certification and monitoring of assisted living care
2 17 agencies.
2 18 2. Each assisted living care agency shall be certified by
2 19 the department.
2 20 3. The owner or manager of an assisted living care agency
2 21 shall comply with the rules adopted by the department.
2 22 4. The department shall have full access to all records and
2 23 other materials pertaining to the provision of services and
2 24 care to the clients of an assisted living care agency during
2 25 certification, monitoring, and complaint investigations.
2 26 5. Certification of an assisted living care agency shall be
2 27 for two years unless certification is revoked for good cause
2 28 by the department.
2 29 6. The department shall establish and collect certification
2 30 fees by rule. Fees collected and retained pursuant to this
2 31 section shall be deposited in the general fund of the state.
2 32 7. A department, agency, or officer of this state or of
2 33 any governmental unit shall not pay or approve for payment
2 34 from public funds any amount to an assisted living care agency
2 35 for an actual or prospective client, unless the agency holds



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3 1 a current certificate issued by the department and meets all
3 2 current requirements for certification.
3 3 8. An assisted living care agency shall comply with section
3 4 135C.33.
3 5 9. The department shall conduct training sessions for
3 6 personnel responsible for conducting monitoring evaluations and
3 7 complaint investigations of assisted living care agencies.
3 8 Sec. 6. Section 231C.7, subsection 1, Code 2009, is amended
3 9 to read as follows:
3 10 1. Any person with concerns regarding the operations
3 11 or service delivery of an assisted living program or an
3 12 assisted living care agency may file a complaint with the
3 13 department. The name of the person who files a complaint with
3 14 the department and any personal identifying information of the
3 15 person or any tenant identified in the complaint shall be kept
3 16 confidential and shall not be subject to discovery, subpoena,
3 17 or other means of legal compulsion for its release to a person
3 18 other than department employees involved with the complaint.
3 19 Sec. 7. Section 231C.8, Code 2009, is amended to read as
3 20 follows:
3 21 231C.8 Informal review.
3 22 1. If an assisted living program or an assisted living
3 23 care agency contests the regulatory insufficiencies of a
3 24 monitoring evaluation or complaint investigation, the program
3 25 or agency shall submit written information, demonstrating that
3 26 the program or agency was in compliance with the applicable
3 27 requirement at the time of the monitoring evaluation or
3 28 complaint investigation, in support of the contesting of the
3 29 regulatory insufficiencies, to the department for review.
3 30 2. The department shall review the written information
3 31 submitted within ten working days of the receipt of the
3 32 information. At the conclusion of the review, the department
3 33 may affirm, modify, or dismiss the regulatory insufficiencies.
3 34 The department shall notify the program or agency in writing
3 35 of the decision to affirm, modify, or dismiss the regulatory



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4 1 insufficiencies, and the reasons for the decision.
4 2 3. In the case of a complaint investigation, the department
4 3 shall also notify the complainant, if known, of the decision
4 4 and the reasons for the decision.
4 5 Sec. 8. Section 231C.9, Code 2009, is amended to read as
4 6 follows:
4 7 231C.9 Public disclosure of findings.
4 8 Upon completion of a monitoring evaluation or complaint
4 9 investigation of an assisted living program or an assisted
4 10 living care agency by the department pursuant to this chapter,
4 11 including the conclusion of informal review, the department's
4 12 final findings with respect to compliance by the assisted
4 13 living program or agency with requirements for certification
4 14 shall be made available to the public in a readily available
4 15 form and place. Other information relating to an assisted
4 16 living program or agency that is obtained by the department
4 17 which does not constitute the department's final findings from
4 18 a monitoring evaluation or complaint investigation of the
4 19 assisted living program or agency shall not be made available
4 20 to the public except in proceedings involving the denial,
4 21 suspension, or revocation of a certificate under this chapter.
4 22 Sec. 9. Section 231C.10, Code Supplement 2009, is amended
4 23 to read as follows:
4 24 231C.10 Denial, suspension, or revocation == conditional
4 25 operation.
4 26 1. The department may deny, suspend, or revoke a certificate
4 27 in any case where the department finds that there has been a
4 28 substantial or repeated failure on the part of the assisted
4 29 living program or assisted living care agency to comply with
4 30 this chapter or the rules, or minimum standards adopted under
4 31 this chapter, or for any of the following reasons:
4 32 a. Appropriation or conversion of the property of an
4 33 assisted living program tenant or an assisted living care
4 34 agency client without the tenant's or client's written consent
4 35 or the written consent of the tenant's or client's legal



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- 5 1 representative.
- 5 2 b. Permitting, aiding, or abetting the commission of any
5 3 illegal act in the assisted living program or by the agency.
- 5 4 c. Obtaining or attempting to obtain or retain a certificate
5 5 by fraudulent means, misrepresentation, or by submitting false
5 6 information.
- 5 7 d. Habitual intoxication or addiction to the use of drugs by
5 8 the applicant, administrator, executive director, manager, or
5 9 supervisor of the assisted living program or assisted living
5 10 care agency.
- 5 11 e. Securing the devise or bequest of the property of a
5 12 tenant of an assisted living program or a client of an assisted
5 13 living care agency by undue influence.
- 5 14 f. Failure to protect tenants or clients from dependent
5 15 adult abuse as defined in section 235E.1.
- 5 16 g. In the case of any officer, member of the board of
5 17 directors, trustee, or designated manager of the program or
5 18 agency or any stockholder, partner, or individual who has
5 19 greater than a five percent equity interest in the program
5 20 or agency, having or having had an ownership interest in
5 21 an assisted living program, adult day services program,
5 22 elder group home, home health agency, assisted living care
5 23 agency, residential care facility, or licensed nursing facility
5 24 in any state which has been closed due to removal of program,
5 25 agency, or facility licensure or certification or involuntary
5 26 termination from participation in either the medical assistance
5 27 or Medicare programs, or having been found to have failed
5 28 to provide adequate protection or services for tenants or
5 29 clients to prevent abuse or neglect.
- 5 30 h. In the case of a certificate applicant or an existing
5 31 certified owner or operator who is an entity other than an
5 32 individual, the person is in a position of control or is an
5 33 officer of the entity and engages in any act or omission
5 34 proscribed by this chapter.
- 5 35 i. For any other reason as provided by law or administrative



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6 1 rule.

6 2 2. The department may as an alternative to denial,
6 3 suspension, or revocation conditionally issue or continue a
6 4 certificate dependent upon the performance by the assisted
6 5 living program or assisted living care agency of reasonable
6 6 conditions within a reasonable period of time as set by the
6 7 department so as to permit the program or agency to commence
6 8 or continue the operation of the program or agency pending
6 9 substantial compliance with this chapter or the rules adopted
6 10 pursuant to this chapter. If the assisted living program or
6 11 assisted living care agency does not make diligent efforts to
6 12 comply with the conditions prescribed, the department may,
6 13 under the proceedings prescribed by this chapter, suspend or
6 14 revoke the certificate. An assisted living program or assisted
6 15 living care agency shall not be operated on a conditional
6 16 certificate for more than one year.

6 17 Sec. 10. Section 231C.11, subsection 3, Code 2009, is
6 18 amended to read as follows:

6 19 3. When the department finds that an imminent danger to the
6 20 health or safety of tenants of an assisted living program or
6 21 clients of an assisted living care agency exists which requires
6 22 action on an emergency basis, the department may direct
6 23 the removal of all tenants of an the assisted living program or
6 24 the cessation of services to all clients of the assisted living
6 25 care agency and suspend the certificate of the program or the
6 26 agency prior to a hearing.

6 27 Sec. 11. Section 231C.13, Code 2009, is amended to read as
6 28 follows:

6 29 231C.13 Retaliation ~~by assisted living program~~ prohibited.
6 30 An assisted living program or an assisted living care
6 31 agency shall not discriminate or retaliate in any way against a
6 32 tenant or client, tenant's or client's family, or an employee
6 33 of the program or agency who has initiated or participated
6 34 in any proceeding authorized by this chapter. An assisted
6 35 living program or an assisted living care agency that violates



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7 1 this section is subject to a penalty as established by
7 2 administrative rule in accordance with chapter 17A, to be
7 3 assessed and collected by the department, paid into the state
7 4 treasury, and credited to the general fund of the state.
7 5 Sec. 12. Section 231C.14, Code Supplement 2009, is amended
7 6 to read as follows:
7 7 231C.14 Civil penalties.
7 8 1. The department may establish by rule, in accordance with
7 9 chapter 17A, civil penalties for the following violations by an
7 10 assisted living program or an assisted living care agency:
7 11 a. Noncompliance with any regulatory requirements which
7 12 presents an imminent danger or a substantial probability of
7 13 resultant death or physical harm to a tenant or client.
7 14 b. Following receipt of notice from the department,
7 15 continued failure or refusal to comply within a prescribed
7 16 time frame with regulatory requirements that have a direct
7 17 relationship to the health, safety, or security of program
7 18 tenants or agency clients.
7 19 c. Preventing or interfering with or attempting to impede in
7 20 any way any duly authorized representative of the department in
7 21 the lawful enforcement of this chapter or of the rules adopted
7 22 pursuant to this chapter. As used in this paragraph, "lawful
7 23 enforcement" includes but is not limited to:
7 24 (1) Contacting or interviewing any tenant of an assisted
7 25 living program or client of an assisted living care agency in
7 26 private at any reasonable hour and without advance notice.
7 27 (2) Examining any relevant records of an assisted living
7 28 program or assisted living care agency.
7 29 (3) Preserving evidence of any violation of this chapter or
7 30 of the rules adopted pursuant to this chapter.
7 31 2. If a program or agency assessed a penalty does not
7 32 request a formal hearing pursuant to chapter 17A or withdraws
7 33 its request for a formal hearing within thirty days of the
7 34 date the penalty was assessed, the penalty shall be reduced by
7 35 thirty=five percent, if the penalty is paid within thirty days



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8 1 of the issuance of a demand letter issued by the department.

8 2 The demand letter, which includes the civil penalty, shall

8 3 include a statement to this effect.

8 4 Sec. 13. Section 231C.15, Code 2009, is amended to read as

8 5 follows:

8 6 231C.15 Criminal penalties and injunctive relief.

8 7 A person establishing, conducting, managing, or

8 8 operating any assisted living program or assisted living

8 9 care agency without a certificate is guilty of a serious

8 10 misdemeanor. Each day of continuing violation after conviction

8 11 or notice from the department by certified mail of a violation

8 12 shall be considered a separate offense or chargeable offense.

8 13 A person establishing, conducting, managing, or operating

8 14 an assisted living program or an assisted living care

8 15 agency without a certificate may be temporarily or permanently

8 16 restrained by a court of competent jurisdiction from such

8 17 activity in an action brought by the state.

8 18 Sec. 14. Section 231C.16, Code 2009, is amended to read as

8 19 follows:

8 20 231C.16 Nursing assistant and medication aide ==

8 21 certification.

8 22 The department, in cooperation with other appropriate

8 23 agencies, shall establish a procedure to allow nursing

8 24 assistants or medication aides to claim work within an assisted

8 25 living program or with an assisted living care agency as credit

8 26 toward sustaining the nursing assistant's or medication aide's

8 27 certification.

8 28 Sec. 15. Section 235E.1, subsection 9, Code 2009, is amended

8 29 to read as follows:

8 30 9. "Program" means an elder group home as defined in section

8 31 231B.1, an assisted living program or assisted living care

8 32 agency certified under section 231C.3 or 231C.3B, or an adult

8 33 day services program as defined in section 231D.1.

8 34 Sec. 16. Section 249H.3, subsection 4, Code Supplement

8 35 2009, is amended to read as follows:



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9 1 4. "Long-term care alternatives" means those services
9 2 specified as services under the medical assistance home and
9 3 community-based services waiver for elder persons or adults
9 4 with disabilities, elder group homes certified under chapter
9 5 231B, ~~assisted-living~~ assisted living programs or assisted
9 6 living care agencies certified under chapter 231C, and the PACE
9 7 program.

9 8 EXPLANATION

9 9 Code chapter 231C currently directs the department of
9 10 inspections and appeals (DIA) to certify and monitor assisted
9 11 living programs. This bill applies similar certification and
9 12 monitoring requirements to health care or other agencies which
9 13 provide assisted living services to three or more dependent
9 14 persons, who reside in one or more group or age-restricted
9 15 facilities. Each agency is to be certified and monitored by
9 16 DIA. Certification is for a two-year period, with the fee set
9 17 by the DIA in rule.

9 18 The bill requires certain employees of such agencies to
9 19 undergo background checks; provides for filing and disposition
9 20 of complaints; provides for an informal review of contests
9 21 to the results of a monitoring evaluation or complaint
9 22 investigation; provides for public disclosure of the final
9 23 findings of a monitoring evaluation or complaint investigation;
9 24 provides the bases for denial, suspension, or revocation of
9 25 certification and for conditional operation of an agency;
9 26 provides for notice, appeal, and emergency provisions relating
9 27 to a denial, suspension, or revocation of certification;
9 28 provides for application of civil penalties, as determined by
9 29 certain violations, and provides for injunctive relief; and
9 30 provides for nursing assistants and medication aides to claim
9 31 work for an agency as credit toward their certification.

9 32 A person establishing, conducting, managing, or operating
9 33 an agency without a certificate pursuant to Code chapter 231C
9 34 is guilty of a serious misdemeanor. Each day of continuing
9 35 violation after conviction or notice from the department



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10 1 by certified mail of a violation is a separate offense or
10 2 chargeable offense.

LSB 5110HH (4) 83

jr/nh



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House File 2080 - Introduced

HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act relating to the adjudication and payment of certain
2 claims by health insurers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5285YH (4) 83
av/nh



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1 1 Section 1. NEW SECTION. 505.26 Claims adjudication and
1 2 payment of clean claims == Medicare rules.
1 3 The commissioner of insurance, by rules adopted under
1 4 chapter 17A, shall develop a claims adjudication procedure
1 5 and a procedure for the payment of clean claims to be used
1 6 by carriers, as defined in section 514C.13, that are based
1 7 on the rules used by the federal Medicare program for those
1 8 procedures.

1 9 EXPLANATION

1 10 This bill requires the commissioner of insurance to adopt
1 11 rules that develop a claims adjudication procedure and a
1 12 procedure for the payment of clean claims based on the rules
1 13 used by the federal Medicare program for those procedures, to
1 14 be used by carriers that provide health benefit plans in this
1 15 state.

1 16 For the purposes of the bill, "carrier" means an entity
1 17 that provides health benefit plans in the state including
1 18 an insurance company, group hospital or medical service
1 19 corporation, health maintenance organization, multiple employer
1 20 welfare arrangement, and any other person providing health
1 21 benefit plans in this state subject to regulation by the
1 22 commissioner of insurance.

LSB 5285YH (4) 83

av/nh



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House File 2081 - Introduced

HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act requiring notification of preauthorization requirements
2 pursuant to health insurance coverage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5278YH (3) 83
av/nh



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1 1 Section 1. NEW SECTION. 514K.2 Health care plan disclosures
1 2 == preauthorization requirements.

1 3 1. A carrier providing health insurance coverage as defined
1 4 in section 513B.2, shall notify enrollees and health care
1 5 providers of any preauthorization requirements for coverage
1 6 of health care services. A carrier shall also provide a
1 7 telephone number for inquiries concerning such preauthorization
1 8 requirements to health care providers and on the insurance
1 9 information card or other technology that is issued to
1 10 enrollees for claims processing of the carrier.

1 11 2. A carrier is not required to issue a separate insurance
1 12 information card or other technology for provision of the
1 13 information required by this section if another card or other
1 14 technology that is issued by the carrier can also accommodate
1 15 the information.

1 16 3. As used in this section, "carrier" means an entity
1 17 subject to the insurance laws and regulations of this state, or
1 18 subject to the jurisdiction of the commissioner, that contracts
1 19 or offers to contract to provide, deliver, arrange for, pay
1 20 for, or reimburse any of the costs of health care services,
1 21 including an insurance company offering sickness and accident
1 22 plans, a health maintenance organization, a nonprofit health
1 23 service corporation, or any other entity providing a plan of
1 24 health insurance, health benefits, or health services.

1 25 EXPLANATION

1 26 This bill creates new Code section 514K.2 which requires
1 27 carriers providing health insurance coverage to notify
1 28 enrollees and health care providers of any preauthorization
1 29 requirements for coverage of health care services. Carriers
1 30 are also required to provide a telephone number for inquiries
1 31 concerning such requirements to health care providers and on
1 32 the insurance information card or other technology that is
1 33 issued to enrollees for claims processing of the carriers.
1 34 Carriers are not required to issue a separate insurance
1 35 information card or other technology if another card or



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2 1 technology that is issued by the carrier can also accommodate
2 2 the information required by the bill.
2 3 As used in the new Code section, "carrier" means an entity
2 4 subject to the insurance laws and regulations of this state, or
2 5 subject to the jurisdiction of the commissioner, that contracts
2 6 or offers to contract to provide, deliver, arrange for, pay
2 7 for, or reimburse any of the costs of health care services,
2 8 including an insurance company offering sickness and accident
2 9 plans, a health maintenance organization, a nonprofit health
2 10 service corporation, or any other entity providing a plan of
2 11 health insurance, health benefits, or health services.

LSB 5278YH (3) 83

av/nh



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House File 2082 - Introduced

HOUSE FILE
BY JACOBY and MAY

A BILL FOR

1 An Act providing for a tax credit against the individual
2 and corporate income taxes, the franchise tax, insurance
3 premiums tax, and the moneys and credits tax for a
4 charitable contribution to certain institutions engaged in
5 regenerative medicine research and including a retroactive
6 applicability date provision.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5039YH (5) 83
tw/sc



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1 1 Section 1. NEW SECTION. 422.11Y Regenerative medicine
1 2 research tax credit.
1 3 1. a. The taxes imposed under this division, less the
1 4 credits allowed under section 422.12, shall be reduced by a
1 5 regenerative medicine research tax credit.
1 6 b. The credit shall be in an amount equal to twenty
1 7 percent of a taxpayer's charitable contribution to an eligible
1 8 research institution located in the state. For purposes
1 9 of this section, "eligible research institution" means a
1 10 nonprofit organization exempt from federal income taxation
1 11 under section 501(c)(3) of the Internal Revenue Code that is
1 12 engaged in research designed to improve patient care through
1 13 the development and dissemination of novel clinical therapies
1 14 for the functional repair and replacement of diseased tissues
1 15 and organs.
1 16 c. An individual may claim a tax credit under this
1 17 subsection of a partnership, limited liability company,
1 18 S corporation, estate, or trust electing to have income
1 19 taxed directly to the individual. The amount claimed by the
1 20 individual shall be based upon the pro rata share of the
1 21 individual's earnings from the partnership, limited liability
1 22 company, S corporation, estate, or trust.
1 23 d. Any tax credit in excess of the taxpayer's tax liability
1 24 for the tax year is not refundable, but the taxpayer may
1 25 elect to have the excess credited to the tax liability for
1 26 the following four tax years or until depleted, whichever is
1 27 earlier.
1 28 2. a. To claim a tax credit under this section, the
1 29 taxpayer shall apply to the department for a tax credit
1 30 certificate. After verifying the eligibility of a taxpayer
1 31 for a tax credit pursuant to this section, the department
1 32 shall issue a tax credit certificate to be attached to the
1 33 taxpayer's tax return. The tax credit certificate shall be
1 34 issued based upon the date of the application and shall contain
1 35 the taxpayer's name, address, tax identification number, the



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2 1 amount of the credit, the certificate expiration date, and any
2 2 other information required by the department.
2 3 b. To claim a tax credit under this section, a taxpayer must
2 4 attach one or more tax credit certificates to the taxpayer's
2 5 tax return. The tax credit certificate or certificates
2 6 attached to the taxpayer's tax return shall be issued in the
2 7 taxpayer's name, and the expiration date on the certificate
2 8 shall be a date that falls on or after the last day of the
2 9 taxable year for which the taxpayer is claiming the tax credit.
2 10 c. The tax credit certificate, unless otherwise void,
2 11 shall be accepted by the department as payment toward the
2 12 tax liability of the taxpayer, subject to any conditions or
2 13 restrictions placed by the department upon the face of the
2 14 tax credit certificate and subject to the limitations of this
2 15 section.
2 16 d. Tax credit certificates issued under this section are not
2 17 transferable to any person or entity.
2 18 3. A taxpayer taking a deduction in the computation of state
2 19 taxable income for a charitable contribution to an eligible
2 20 research institution for regenerative medicine research shall
2 21 not claim a tax credit pursuant to this section.
2 22 4. The maximum amount of tax credits issued in a fiscal
2 23 year pursuant to this section, section 422.33, subsection 29,
2 24 section 422.60, subsection 15, section 432.12M, and section
2 25 533.329, subsection 2, paragraph "n", shall not exceed ten
2 26 million dollars.
2 27 Sec. 2. Section 422.33, Code Supplement 2009, is amended by
2 28 adding the following new subsection:
2 29 NEW SUBSECTION. 29. The taxes imposed under this division
2 30 shall be reduced by a regenerative medicine research tax credit
2 31 in the same manner, for the same amount, and under the same
2 32 conditions as provided in section 422.11Y.
2 33 Sec. 3. Section 422.60, Code Supplement 2009, is amended by
2 34 adding the following new subsection:
2 35 NEW SUBSECTION. 15. The taxes imposed under this division



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3 1 shall be reduced by a regenerative medicine research tax credit
3 2 in the same manner, for the same amount, and under the same
3 3 conditions as provided in section 422.11Y.

3 4 Sec. 4. NEW SECTION. 432.12M Regenerative medicine research
3 5 tax credit.

3 6 The taxes imposed under this chapter shall be reduced by a
3 7 regenerative medicine research tax credit in the same manner,
3 8 for the same amount, and under the same conditions as provided
3 9 in section 422.11Y.

3 10 Sec. 5. Section 533.329, subsection 2, Code Supplement
3 11 2009, is amended by adding the following new paragraph:

3 12 NEW PARAGRAPH. n. The moneys and credits tax imposed
3 13 under this section shall be reduced by a regenerative medicine
3 14 research tax credit in the same manner, for the same amount,
3 15 and under the same conditions as provided in section 422.11Y.

3 16 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
3 17 retroactively to January 1, 2010, for tax years beginning on
3 18 or after that date.

3 19 EXPLANATION

3 20 This bill provides a credit against the individual or
3 21 corporate income tax, the franchise tax, the insurance
3 22 premiums tax, and the moneys and credits tax for 20 percent
3 23 of a taxpayer's contribution to a regenerative medicine
3 24 research institution located in the state. Generally,
3 25 such contributions are tax deductible under current federal
3 26 and state law, and taking a deduction for the contribution
3 27 precludes the taxpayer from claiming the credit.

3 28 The tax credit is not refundable but, at the taxpayer's
3 29 election, may be credited to the taxpayer's tax liability for
3 30 up to four subsequent tax years or until depletion, whichever
3 31 is earlier. The tax credits are not transferable. The maximum
3 32 amount of tax credits is limited to \$10 million in any one
3 33 fiscal year. The department of revenue approves the tax
3 34 credits and issues the tax credit certificates to taxpayers.

3 35 The bill applies retroactively to January 1, 2010, for tax



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4 1 years beginning on or after that date.
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House File 2083 - Introduced

HOUSE FILE
BY WENDT and WHITEAD

(COMPANION TO SF 2027
by warnstadt)

A BILL FOR

1 An Act relating to the authority of a certified law enforcement
2 officer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5650HH (2) 83
rh/rj



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House File 2083 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 817.3 Certified law enforcement
1 2 officers == oaths, signatures, and testimony.
1 3 A law enforcement officer, as defined in section 80B.3,
1 4 who is certified by the Iowa law enforcement academy, may
1 5 administer oaths, acknowledge signatures, and take voluntary
1 6 testimony pursuant to the officer's duties as provided by law.

1 7 EXPLANATION

1 8 This bill provides that a law enforcement officer certified
1 9 by the Iowa law enforcement academy may administer oaths,
1 10 acknowledge signatures, and take voluntary testimony pursuant
1 11 to the officer's duties as provided by law.

1 12 Current law allows a peace officer under Code section 80.9A
1 13 to perform the same functions. A peace officer, as defined in
1 14 Code section 97A.1, is a member, except a non-peace officer
1 15 member, of the division of state patrol, narcotics enforcement,
1 16 state fire marshal, or criminal investigation, including but
1 17 not limited to a gaming enforcement officer, who has passed a
1 18 satisfactory physical and mental examination and has been duly
1 19 appointed by the department of public safety in accordance with
1 20 Code section 80.15 (Code section 97A.1).

1 21 A certified law enforcement officer, as defined in Code
1 22 section 80B.3, is an officer appointed by the director of the
1 23 department of natural resources, a member of a police force
1 24 or other agency or department of the state, county, city,
1 25 or tribal government regularly employed as such and who is
1 26 responsible for the prevention and detection of crime and
1 27 the enforcement of the criminal laws of this state and all
1 28 individuals, as determined by the law enforcement academy
1 29 council, who by the nature of their duties may be required to
1 30 perform the duties of a peace officer.

LSB 5650HH (2) 83

rh/rj



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House File 2084 - Introduced

HOUSE FILE
BY HORBACH

A BILL FOR

1 An Act relating to exclusion of injuries incurred in certain
2 voluntary recreational programs from workers' compensation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5086YH (6) 83
av/rj



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House File 2084 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.16, Code 2009, is amended to read as
1 2 follows:
1 3 85.16 Willful injury == intoxication == voluntary recreation.
1 4 No compensation under this chapter shall be allowed for an
1 5 injury caused:
1 6 1. By the employee's willful intent to injure the employee's
1 7 self or to willfully injure another.
1 8 2. By the employee's intoxication, which did not arise
1 9 out of and in the course of employment but which was due
1 10 to the effects of alcohol or another narcotic, depressant,
1 11 stimulant, hallucinogenic, or hypnotic drug not prescribed by
1 12 an authorized medical practitioner, if the intoxication was a
1 13 substantial factor in causing the injury.
1 14 3. By the willful act of a third party directed against the
1 15 employee for reasons personal to such employee.
1 16 4. By the employee's participation in voluntary
1 17 recreational programs including but not limited to athletic
1 18 events, parties, and picnics even though the employer pays some
1 19 or all of the cost of such programs. This exclusion shall not
1 20 apply if the injured employee was ordered or assigned by the
1 21 employer to participate in the program.

1 22 EXPLANATION
1 23 This bill provides that injuries incurred by an employee
1 24 while participating in voluntary recreational programs such as
1 25 athletic events, parties, and picnics are not compensable under
1 26 workers' compensation even though the employer pays some or all
1 27 of the cost of such programs. The exclusion is not applicable
1 28 if the injured employee was ordered or assigned by the employer
1 29 to participate in the program.

LSB 5086YH (6) 83
av/rj



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House File 2085 - Introduced

HOUSE FILE
BY TYMESON

A BILL FOR

1 An Act relating to charter schools and charter magnet schools,
2 and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5079YH (10) 83
kh/rj



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PAG LIN

1 1 Section 1. Section 256F.1, subsection 2, Code 2009, is
1 2 amended to read as follows:
1 3 2. A charter school may be established by creating a new
1 4 school within an existing public school or converting an
1 5 existing public school to charter status under section 256F.3,
1 6 subsections 2 through 6, or by creating a charter magnet school
1 7 under section 256F.3A.

1 8 Sec. 2. Section 256F.2, Code 2009, is amended by adding the
1 9 following new subsection:
1 10 NEW SUBSECTION. 2A. "Charter magnet school" means a charter
1 11 magnet school approved by the state board of education pursuant
1 12 to section 256F.3A.

1 13 Sec. 3. Section 256F.2, subsection 3, Code 2009, is amended
1 14 to read as follows:

1 15 3. "Charter school" means a state public charter school
1 16 operated as a pilot program pursuant to section 256F.3.

1 17 Sec. 4. Section 256F.3, subsection 1, Code 2009, is amended
1 18 to read as follows:

1 19 1. The state board of education shall apply for a federal
1 20 grant under Pub. L. No. 107=110, cited as the federal No Child
1 21 Left Behind Act of 2001 (Title V, Part B, Subpart 1), for
1 22 purposes of providing financial assistance for the planning,
1 23 program design, and initial implementation of public charter
1 24 schools. However, if federal funds are no longer available
1 25 for purposes of this chapter, the department may continue to
1 26 approve public charter school applications. The department
1 27 shall initiate a pilot program to test the effectiveness of
1 28 charter schools and shall implement the applicable provisions
1 29 of this chapter.

1 30 Sec. 5. Section 256F.3, subsection 6, Code 2009, is amended
1 31 to read as follows:

1 32 6. ~~Upon approval of an~~ If a school board approves
1 33 the application ~~for the proposed establishment of a charter~~
~~1 34 school submitted pursuant to this section, the school board~~
1 35 shall submit an application ~~for approval to establish the~~



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~~2 1 charter school to the state board in accordance with section~~
~~2 2 256F.3A or section 256F.5, as applicable. The application~~
~~2 3 shall set forth the manner in which the charter school or the~~
~~2 4 charter magnet school, as applicable, will provide special~~
~~2 5 instruction, in accordance with section 280.4, to students who~~
~~2 6 are limited English proficient. The application shall set~~
~~2 7 forth the manner in which the charter school or the charter~~
~~2 8 magnet school, as applicable, will comply with federal and~~
~~2 9 state laws and regulations relating to the federal National~~
~~2 10 School Lunch Act and the federal Child Nutrition Act of~~
~~2 11 1966, 42 U.S.C. { 1751 ? 1785, and chapter 283A. The state~~
~~2 12 board shall approve only those applications that meet the~~
~~2 13 requirements specified in section 256F.1, subsection 3,~~
~~2 14 and sections 256F.4 and 256F.5. The state board may deny~~
~~2 15 an application if the state board deems that approval of~~
~~2 16 the application is not in the best interest of the affected~~
~~2 17 students. The state board shall approve not more than twenty~~
~~2 18 charter school applications. The state board shall approve~~
~~2 19 not more than one charter school application per school~~
~~2 20 district. The state board shall adopt rules in accordance with~~
~~2 21 chapter 17A for the implementation of this chapter.~~
2 22 Sec. 6. NEW SECTION. 256F.3A Charter magnet school.
2 23 1. One or more individuals; a nonprofit, governmental, or
2 24 other entity or organization; or an existing charter school
2 25 may apply to the state board for approval to establish a
2 26 junior=senior high, or a senior high, charter magnet school.
2 27 The application shall meet the requirements of subsection
2 28 2. In addition to the purposes set forth in section 256F.1,
2 29 subsection 3, a charter magnet school shall provide students
2 30 with a rigorous educational program with a specialized focus
2 31 that will prepare students to attain a postsecondary degree.
2 32 The specialized focus of the educational program shall include
2 33 at least one or more of the following subject areas:
2 34 a. Science.
2 35 b. Mathematics.



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- 3 1 c. Engineering.
3 2 d. Computer science.
3 3 e. Biotechnology.
3 4 f. International studies, emphasizing foreign languages,
3 5 social sciences, and communications.
3 6 2. Except as otherwise provided in this chapter, a charter
3 7 magnet school approved by the state board in accordance with
3 8 this section is subject to the charter school provisions of
3 9 section 256F.4, subsections 2 through 8, and sections 256F.5
3 10 through 256F.10.
3 11 3. Within fifteen days after approval of a charter magnet
3 12 school application submitted pursuant to subsection 1, the
3 13 applicant receiving approval shall report to the department
3 14 the name of the charter magnet school applicant, the proposed
3 15 charter magnet school location, and its projected enrollment.
3 16 Sec. 7. Section 256F.4, subsection 4, Code 2009, is amended
3 17 to read as follows:
3 18 4. A charter school shall enroll an eligible resident
3 19 student who submits a timely application unless the number of
3 20 applications exceeds the capacity of a program, class, grade
3 21 level, or building. In this case, students must be accepted
3 22 by lot. A charter school established pursuant to section
3 23 256F.3 may enroll an eligible nonresident student who submits
3 24 a timely application in accordance with the student admission
3 25 policy established pursuant to section 256F.5, subsection 1.
3 26 a. If ~~the~~ a charter school established pursuant to section
3 27 256F.3 enrolls an eligible nonresident student, the charter
3 28 school shall notify the school district and, if applicable, the
3 29 sending district not later than March 1 of the preceding school
3 30 year. Transportation for the student shall be in accordance
3 31 with section 282.18, subsection 10, except as provided in
3 32 paragraph "b". The sending district shall make payments to the
3 33 charter school in the manner required under section 282.18,
3 34 subsection 7.
3 35 b. Transportation to and from a charter magnet school



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4 1 for a student attending the charter magnet school shall be
4 2 provided by the parent or guardian without reimbursement.
4 3 However, if the student meets the economic eligibility
4 4 requirements established by the department and state board
4 5 of education, the charter magnet school is responsible for
4 6 providing transportation or paying the pro rata cost of the
4 7 transportation to a parent or guardian for transporting the
4 8 pupil to and from the charter magnet school, unless the charter
4 9 magnet school is established by a nongovernmental entity.
4 10 Sec. 8. Section 256F.4, subsection 7, Code 2009, is amended
4 11 to read as follows:
4 12 7. a. A charter school established pursuant to section
4 13 256F.3 shall be considered a part of the school district in
4 14 which it is located for purposes of state school foundation aid
4 15 pursuant to chapter 257.
4 16 b. A student enrolled in a charter magnet school established
4 17 pursuant to section 256F.3A shall be counted, for state school
4 18 foundation aid purposes, in the pupil's district of residence.
4 19 A pupil's residence, for purposes of this section, means a
4 20 residence under section 282.1. The board of directors of the
4 21 district of residence shall pay to the charter magnet school
4 22 the state cost per pupil for the previous school year, plus any
4 23 moneys received for the pupil as a result of the non-English
4 24 speaking weighting under section 280.4, subsection 3, for the
4 25 previous school year multiplied by the state cost per pupil
4 26 for the previous year. If the student enrolled in the charter
4 27 magnet school is also an eligible pupil under section 261E.6,
4 28 the charter magnet school shall pay the tuition reimbursement
4 29 amount to an eligible postsecondary institution as provided in
4 30 section 261E.7.
4 31 Sec. 9. Section 256F.4, Code 2009, is amended by adding the
4 32 following new subsection:
4 33 NEW SUBSECTION. 9. A charter magnet school established
4 34 pursuant to section 256F.3A shall establish graduation
4 35 requirements and may award diplomas to students who meet the



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5 1 graduation requirements established.

5 2 Sec. 10. Section 256F.5, subsection 4, Code 2009, is amended
5 3 to read as follows:

5 4 4. The method for appointing or forming an advisory
5 5 council for the charter school. ~~The~~ If the charter school
5 6 is established pursuant to section 256F.3, the membership of
5 7 an its advisory council appointed or formed in accordance with
~~5 8 this chapter shall not include more than one member of the~~
5 9 school board.

5 10 Sec. 11. Section 256F.6, subsections 1 and 3, Code 2009, are
5 11 amended to read as follows:

5 12 1. An approved charter school application shall constitute
5 13 an agreement, the terms of which shall, at a minimum, be
5 14 the terms of a four-year enforceable, renewable contract
5 15 between the school board or the charter magnet school, as
5 16 appropriate, and the state board. The contract shall include
5 17 an operating agreement for the operation of the charter school.
5 18 The terms of the contract may be revised at any time with the
5 19 approval of ~~both the state board and the school board~~ parties
5 20 to the contract, whether or not the stated provisions of the
5 21 contract are being fulfilled. The charter school shall provide
5 22 parents and guardians of students enrolled in the charter
5 23 school with a copy of the charter school application approved
5 24 pursuant to section 256F.5.

5 25 3. The state board of education shall provide by rule
5 26 for the ongoing review of ~~a school board's~~ compliance with a
5 27 contract entered into in accordance with this chapter. The
5 28 state board shall monitor and review charter school progress
5 29 on the comprehensive school improvement plan, the student
5 30 achievement goals, and the performance goals and objectives
5 31 established by a charter school or a charter magnet school
5 32 pursuant to section 256F.5.

5 33 Sec. 12. Section 256F.7, subsection 2, Code 2009, is amended
5 34 to read as follows:

5 35 2. The school board or the charter magnet school, as



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6 1 appropriate, shall, in consultation with the advisory council,
6 2 ~~shall~~ decide matters related to the operation of the school,
6 3 including budgeting, curriculum, and operating procedures.
6 4 Sec. 13. Section 256F.8, subsection 1, unnumbered paragraph
6 5 1, Code 2009, is amended to read as follows:
6 6 A contract for the establishment of a charter school or
6 7 charter magnet school may be revoked by the state board or the
6 8 ~~school board~~ entity that established the charter school or
6 9 charter magnet school if the appropriate board determines that
6 10 one or more of the following occurred:
6 11 Sec. 14. Section 256F.8, subsections 2, 3, 4, 6, and 7, Code
6 12 2009, are amended to read as follows:
6 13 2. The decision by ~~a school board~~ the entity that
6 14 established the charter school or charter magnet school to
6 15 revoke or to fail to take action to renew a charter school
6 16 or charter magnet school contract is subject to appeal under
6 17 procedures set forth in chapter 290.
6 18 3. ~~A school board~~ An entity that established a charter
6 19 school or charter magnet school under this chapter and that
6 20 is considering revocation or nonrenewal of a charter school
6 21 or charter magnet school contract shall notify the advisory
6 22 council, the parents or guardians of the students enrolled in
6 23 the charter school or charter magnet school, and the teachers
6 24 and administrators employed by the charter school, or charter
6 25 magnet school sixty days prior to revoking or the date by which
6 26 the contract must be renewed, but not later than the last day
6 27 of classes in the school year.
6 28 4. If the state board determines that a charter school
6 29 or charter magnet school is in substantial violation of
6 30 the terms of the contract, the state board shall notify the
6 31 ~~school board~~ entity that established the charter school or
6 32 charter magnet school and the school's advisory council of
6 33 ~~its~~ the intention to revoke the contract at least sixty days
6 34 prior to revoking a contract and the ~~school board~~ entity shall
6 35 assume oversight authority, operational authority, or both



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7 1 oversight and operational authority. The notice shall
7 2 state the grounds for the proposed action in writing and in
7 3 reasonable detail. The ~~school board~~ entity may request in
7 4 writing an informal hearing before the state board within
7 5 fourteen days of receiving notice of revocation of the
7 6 contract. Upon receiving a timely written request for a
7 7 hearing, the state board shall give reasonable notice to the
7 8 ~~school board~~ entity of the hearing date. The state board
7 9 shall conduct an informal hearing before taking final action.
7 10 Final action to revoke a contract shall be taken in a manner
7 11 least disruptive to students enrolled in the charter school or
7 12 charter magnet school. The state board shall take final action
7 13 to revoke or approve continuation of a contract by the last day
7 14 of classes in the school year. If the final action to revoke
7 15 a contract under this section occurs prior to the last day of
7 16 classes in the school year, a charter school or charter magnet
7 17 school student may enroll in the resident district.

7 18 6. ~~A school board~~ An entity revoking a contract, ~~or a school~~
7 19 ~~board or advisory council~~ an entity that fails to renew a
7 20 contract under this chapter is not liable for that action to
7 21 the charter school or charter magnet school, a student enrolled
7 22 in the charter school or the student's parent or guardian, or
7 23 any other person.

7 24 7. In the case of a revocation or a nonrenewal of the
7 25 charter, the ~~school board~~ entity that established the charter
7 26 school or charter magnet school is exempt from the state
7 27 board's "Barker guidelines", as provided in 1 D.P.I. App. Dec.
7 28 145 (1977).

7 29 Sec. 15. Section 256F.10, subsection 1, Code 2009, is
7 30 amended to read as follows:

7 31 1. A charter school or charter magnet school shall report at
7 32 least annually to the ~~school board~~ entity that established the
7 33 charter school or charter magnet school under this chapter, the
7 34 school's advisory council, and the state board the information
7 35 required by the ~~school board~~ entity, advisory council, or the



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8 1 state board. The reports are public records subject to chapter
8 2 22.

8 3 Sec. 16. Section 256F.11, Code 2009, is amended to read as
8 4 follows:

8 5 256F.11 Future repeal.

8 6 This chapter is repealed effective July 1, ~~2011~~ 2020.

8 7 Sec. 17. EFFECTIVE DATE. This Act, being deemed of
8 8 immediate importance, takes effect upon enactment.

8 9 EXPLANATION

8 10 This bill authorizes the state board of education to approve
8 11 applications for the establishment, by individuals or entities,
8 12 of junior=senior high or senior high charter schools or charter
8 13 magnet schools.

8 14 Code chapter 256F currently provides that a charter school
8 15 is a public school that is either a new school within an
8 16 existing public school or an existing public school converted
8 17 to charter status. The principal, teachers, or parents or
8 18 guardians of students at an existing public school who wish
8 19 to establish a charter school must submit an application to
8 20 the board of directors of the school board and, upon receiving
8 21 approval from the school board, must submit an application to
8 22 the state board of education for final approval. The bill
8 23 allows the department to continue to approve charter schools
8 24 or charter magnet schools whether or not federal funds are
8 25 available. The bill makes numerous changes to Code chapter
8 26 256F to allow for the establishment of a charter magnet school
8 27 by an individual or entity and to require that a charter
8 28 magnet school and its sponsor adhere to the same requirements
8 29 currently established for charter schools established by
8 30 school districts, with the exception of the transportation
8 31 requirements.

8 32 The bill directs the state board to monitor and review
8 33 charter school or charter magnet school progress on the
8 34 comprehensive school improvement plan and student achievement
8 35 goals set by the charter schools or charter magnet schools.



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9 1 The bill places the responsibility for providing students
9 2 with transportation to and from nongovernmental charter
9 3 magnet schools on the parent or guardian. However, if the
9 4 student meets low-income guidelines, a charter magnet school
9 5 must provide the transportation or reimburse the parent or
9 6 guardian for providing transportation unless established by a
9 7 nongovernmental entity.

9 8 Charter magnet school students are to be counted, for
9 9 school foundation aid purposes, in the student's district of
9 10 residence. The school district of residence must pay to the
9 11 charter magnet school the state cost per pupil and any moneys
9 12 received for non-English speaking weighting for the previous
9 13 school year. The charter magnet school is responsible for the
9 14 tuition reimbursement amount if a student attending a charter
9 15 magnet school takes courses under the postsecondary enrollment
9 16 options program.

9 17 A charter magnet school must provide students with a
9 18 rigorous educational program that will prepare students to
9 19 attain a postsecondary degree and establish a specialized
9 20 focus on one or more of the following subjects: science;
9 21 mathematics; engineering; computer science; biotechnology; and
9 22 international studies, emphasizing foreign languages, social
9 23 sciences, and communications. The bill permits a charter
9 24 magnet school to establish graduation requirements and award
9 25 diplomas to students.

9 26 The bill takes effect upon enactment.

LSB 5079YH (10) 83

kh/rj



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House File 2086 - Introduced

HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act providing for and making an appropriation to the
2 department of revenue for the elderly and disabled tax
3 credit and reimbursement and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5334HH (2) 83
md/sc



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House File 2086 - Introduced continued

PAG LIN

1 1 Section 1. ELDERLY AND DISABLED TAX CREDIT AND
 1 2 REIMBURSEMENT == APPROPRIATION.
 1 3 1. Notwithstanding the amount appropriated by section
 1 4 425.39, there is appropriated from the general fund of
 1 5 the state to the department of revenue for the fiscal year
 1 6 beginning July 1, 2010, and ending June 30, 2011, the following
 1 7 amount to be used for the purpose designated:
 1 8 For implementing the elderly and disabled tax credit and
 1 9 reimbursement pursuant to sections 425.16 through 425.39:
 1 10 \$ 30,000,000
 1 11 2. If the director of revenue determines that the amount of
 1 12 claims for credit for property taxes due pursuant to subsection
 1 13 1, plus the amount of claims for reimbursement for rent
 1 14 constituting property taxes paid which are to be paid during
 1 15 the fiscal year may exceed the total amount appropriated, the
 1 16 director shall estimate the percentage of the credits and
 1 17 reimbursements which will be funded by the appropriation. The
 1 18 county treasurer shall notify the director of the amount of
 1 19 property tax credits claimed by June 8, 2010. The director
 1 20 shall estimate the percentage of the property tax credits
 1 21 and rent reimbursement claims that will be funded by the
 1 22 appropriation and notify the county treasurer of the percentage
 1 23 estimate by June 15, 2010. The estimated percentage shall
 1 24 be used in computing for each claim the amount of property
 1 25 tax credit and reimbursement for rent constituting property
 1 26 taxes paid for that fiscal year. If the director overestimates
 1 27 the percentage of funding, claims for reimbursement for rent
 1 28 constituting property taxes paid shall be paid until they can
 1 29 no longer be paid at the estimated percentage of funding. Rent
 1 30 reimbursement claims filed after that point in time shall
 1 31 receive priority and shall be paid in the following fiscal
 1 32 year.
 1 33 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
 1 34 importance, takes effect upon enactment.



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House File 2087 - Introduced

HOUSE FILE
BY JACOBY and WAGNER

A BILL FOR

1 An Act exempting from the sales tax the services of certain
2 executive search agencies and private employment agencies
3 and including effective and retroactive applicability date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5030YH (7) 83
tw/sc



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House File 2087 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 6, Code 2009, is
1 2 amended to read as follows:
1 3 6. a. The sales price of any of the following enumerated
1 4 services is subject to the tax imposed by subsection
1 5 5: alteration and garment repair; armored car; vehicle repair;
1 6 battery, tire, and allied; investment counseling; service
1 7 charges of all financial institutions; barber and beauty;
1 8 boat repair; vehicle wash and wax; campgrounds; carpentry;
1 9 roof, shingle, and glass repair; dance schools and dance
1 10 studios; dating services; dry cleaning, pressing, dyeing, and
1 11 laundering; electrical and electronic repair and installation;
1 12 excavating and grading; farm implement repair of all kinds;
1 13 flying service; furniture, rug, carpet, and upholstery
1 14 repair and cleaning; fur storage and repair; golf and country
1 15 clubs and all commercial recreation; gun and camera repair;
1 16 house and building moving; household appliance, television,
1 17 and radio repair; janitorial and building maintenance or
1 18 cleaning; jewelry and watch repair; lawn care, landscaping,
1 19 and tree trimming and removal; limousine service, including
1 20 driver; machine operator; machine repair of all kinds; motor
1 21 repair; motorcycle, scooter, and bicycle repair; oilers and
1 22 lubricators; office and business machine repair; painting,
1 23 papering, and interior decorating; parking facilities; pay
1 24 television; pet grooming; pipe fitting and plumbing; wood
1 25 preparation; ~~executive search agencies; private employment~~
~~1 26 agencies, excluding services for placing a person in employment~~
~~1 27 where the principal place of employment of that person is~~
~~1 28 to be located outside of the state; reflexology; security~~
1 29 and detective services; sewage services for nonresidential
1 30 commercial operations; sewing and stitching; shoe repair
1 31 and shoeshine; sign construction and installation; storage
1 32 of household goods, mini-storage, and warehousing of raw
1 33 agricultural products; swimming pool cleaning and maintenance;
1 34 tanning beds or salons; taxidermy services; telephone
1 35 answering service; test laboratories, including mobile testing



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2 1 laboratories and field testing by testing laboratories, and
2 2 excluding tests on humans or animals; termite, bug, roach, and
2 3 pest eradicators; tin and sheet metal repair; transportation
2 4 service consisting of the rental of recreational vehicles or
2 5 recreational boats, or the rental of motor vehicles subject
2 6 to registration which are registered for a gross weight of
2 7 thirteen tons or less for a period of sixty days or less, or
2 8 the rental of aircraft for a period of sixty days or less;
2 9 Turkish baths, massage, and reducing salons, excluding services
2 10 provided by massage therapists licensed under chapter 152C;
2 11 water conditioning and softening; weighing; welding; well
2 12 drilling; wrapping, packing, and packaging of merchandise other
2 13 than processed meat, fish, fowl, and vegetables; wrecking
2 14 service; wrecker and towing.

2 15 b. For the purposes of this subsection, "financial
2 16 institutions" means all national banks, federally chartered
2 17 savings and loan associations, federally chartered savings
2 18 banks, federally chartered credit unions, banks organized under
2 19 chapter 524, savings and loan associations and savings banks
2 20 organized under chapter 534, credit unions organized under
2 21 chapter 533, and all banks, savings banks, credit unions, and
2 22 savings and loan associations chartered or otherwise created
2 23 under the laws of any state and doing business in Iowa.

2 24 Sec. 2. REFUNDS. Refunds of taxes, interest, or penalties
2 25 which arise from claims resulting from the amendment of section
2 26 423.2, subsection 6, in this Act, for the exemption of sales
2 27 of executive search agencies and private employment agencies
2 28 occurring between January 1, 2002, and the effective date of
2 29 this Act, shall be limited to fifty thousand dollars in the
2 30 aggregate and shall not be allowed unless refund claims are
2 31 filed prior to October 1, 2010, notwithstanding any other
2 32 provision of law. If the amount of claims totals more than
2 33 fifty thousand dollars in the aggregate, the department of
2 34 revenue shall prorate the fifty thousand dollars among all
2 35 claimants in relation to the amounts of the claimants' valid



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3 1 claims. Claimants shall not be entitled to interest on any
3 2 refunds.
3 3 Sec. 3. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
3 4 APPLICABILITY. This Act, being deemed of immediate importance,
3 5 takes effect upon enactment and applies retroactively to
3 6 January 1, 2002.

3 7 EXPLANATION

3 8 This bill relates to the imposition of the sales tax on
3 9 certain enumerated services.
3 10 Currently, the sales tax is imposed on the services provided
3 11 by executive search agencies and private employment agencies.
3 12 The bill exempts such agencies' services from the list of
3 13 enumerated services upon which the sales tax is imposed.
3 14 Because the exemptions are retroactive to January 1, 2002,
3 15 the bill provides for refunds of taxes, interest, or penalties
3 16 which arise from claims resulting from the change to exemption
3 17 from taxation of these services. These refunds are limited to
3 18 \$50,000 in the aggregate. Claims for refund must be filed by
3 19 October 1, 2010.
3 20 The bill takes effect upon enactment and applies
3 21 retroactively to January 1, 2002.

LSB 5030YH (7) 83

tw/sc



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House File 2088 - Introduced

HOUSE FILE

BY T. OLSON,
RUNNING-MARQUARDT,
WILLEMS, TAYLOR,
JACOBY, LENSING,
KRESSIG, MASCHER,
KELLEY, BERRY, BURT,
and H. MILLER

A BILL FOR

1 An Act providing for the waiver of tax penalties and interest
2 under certain disaster loss circumstances and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5339YH (7) 83
tw/sc



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House File 2088 - Introduced continued

PAG LIN

1 1 Section 1. WAIVER OF PENALTIES AND INTEREST ==
1 2 DISASTER=RELATED LOSSES == REFUNDS.
1 3 1. Notwithstanding Code sections 421.8, 421.27, and 422.25,
1 4 if a taxpayer has filed a return for tax year 2008 relying in
1 5 good faith on the expectation that the state of Iowa would
1 6 conform to the federal treatment of disaster=related casualty
1 7 losses under section 165(h) of the Internal Revenue Code, as
1 8 modified by the Heartland Disaster Relief Act of 2008, Pub. L.
1 9 No. 110=343, in computing net income for state tax purposes,
1 10 the director of revenue shall, for any taxpayer amending the
1 11 return in the time permitted by statute, waive any penalty or
1 12 interest due as a result of either a failure to timely pay the
1 13 tax due or the filing of a defective or incorrect return.
1 14 2. If, prior to the effective date of this Act, a taxpayer
1 15 paid penalties or interest as a result of a good=faith reliance
1 16 on the state conforming to section 165(h) of the Internal
1 17 Revenue Code, the department of revenue shall refund such
1 18 penalties and interest to the taxpayer.
1 19 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 20 APPLICABILITY. This Act, being deemed of immediate importance,
1 21 takes effect upon enactment and applies retroactively to
1 22 January 1, 2008, for tax years beginning on or after that date
1 23 and before January 1, 2009.
1 24 EXPLANATION
1 25 This bill relates to the assessment of penalties and
1 26 interest against taxpayers who filed returns expecting the
1 27 state of Iowa to conform with certain federal income tax
1 28 provisions.
1 29 In 2008, the midwest suffered significant property casualty
1 30 losses due to natural disasters. In response, the federal
1 31 government passed the Heartland Disaster Relief Act which
1 32 amended the casualty loss provisions of the Internal Revenue
1 33 Code. In 2009, the state of Iowa did not conform to the federal
1 34 provisions related to the computation of net income. This
1 35 bill allows the director of revenue to waive the assessment



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2 1 of penalties and interest against taxpayers who relied in
2 2 good faith on the state conforming to the federal provisions
2 3 and who timely amend their return. The waiver relates only
2 4 to the casualty loss provisions in section 165(h) of the
2 5 Internal Revenue Code. Any penalty and interest paid are to
2 6 be refunded.
2 7 The bill takes effect upon enactment and applies only to tax
2 8 year 2008.
LSB 5339YH (7) 83
tw/sc



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House File 2089 - Introduced

HOUSE FILE
BY TYMESON

A BILL FOR

1 An Act extending the validity of an expired out-of-state
2 driver's license of a veteran of the military service of the
3 United States who becomes a resident of this state following
4 separation from active duty.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5202HH (3) 83
dea/nh



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House File 2089 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.198, Code 2009, is amended to read
1 2 as follows:
1 3 321.198 Military service exception.
1 4 1. a. The effective date of a valid driver's license
1 5 issued under the laws of this state, held by any person at the
1 6 time of entering the military service of the United States or
1 7 of the state of Iowa, notwithstanding the expiration of the
1 8 license according to its terms, is hereby extended without
1 9 fee until six months following the initial separation of the
1 10 person from active duty of the person from in the military
1 11 service, provided the person is not suffering from physical
1 12 disabilities which impair the person's competency as an
1 13 operator and provided further that the licensee shall furnish,
1 14 upon demand of any peace officer, satisfactory evidence of the
1 15 person's military service. However, a person entitled to the
1 16 benefits of this section who is charged with operating a motor
1 17 vehicle without a valid driver's license shall not be convicted
1 18 if the person produces in court, within a reasonable time, a
1 19 valid driver's license previously issued to that person along
1 20 with evidence of the person's military service as provided in
1 21 this paragraph.
1 22 b. If a person becomes a resident of this state following
1 23 separation from military service, a valid driver's license
1 24 issued to the person under the laws of another state and held
1 25 by the person at the time of entering the military service
1 26 of the United States, notwithstanding the expiration of the
1 27 license according to its terms during the period the person
1 28 was serving on active duty, shall be valid in this state for
1 29 six months following the initial separation of the person
1 30 from active duty in the military service, provided the person
1 31 is not suffering from physical disabilities which impair the
1 32 person's competency as an operator and provided further that
1 33 the licensee shall furnish, upon demand of any peace officer,
1 34 satisfactory evidence of the person's military service.
1 35 However, a person entitled to the benefits of this section



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2 1 who is charged with operating a motor vehicle without a valid
 2 2 driver's license shall not be convicted if the person produces
 2 3 in court, within a reasonable time, a valid driver's license
 2 4 previously issued to that person by another state along with
 2 5 evidence of the person's military service as provided in this
 2 6 paragraph.

2 7 c. The department is authorized to renew any driver's
 2 8 license falling within the provisions and limitations of ~~the~~
~~2 9 preceding~~ paragraph "a", without examination, upon application
 2 10 and payment of fee made within six months following separation
 2 11 from the military service.

2 12 2. The provisions of this section shall also apply to the
 2 13 spouse and children or ward of such military personnel when
 2 14 ~~such~~ the spouse, children, or ward are living with the ~~above~~
~~2 15 described~~ military personnel outside ~~of~~ the state of Iowa if
 2 16 the person serving in the military is a resident of this state,
 2 17 or outside this state and the original state of residence if
 2 18 the person was not a resident of this state at the time of
 2 19 entering military service, and provided that ~~such~~ the extension
 2 20 of license does not exceed five years.

2 21 3. A person whose period of validity of the person's
 2 22 Iowa driver's license is extended under this section may
 2 23 file an application in accordance with rules adopted by
 2 24 the department to have the person's record of issuance of a
 2 25 driver's license retained in the department's record system
 2 26 during the period for which the driver's license remains valid.
 2 27 If a person has had the record of issuance of the person's
 2 28 driver's license removed from the department's records, the
 2 29 person shall have the person's record of driver's license
 2 30 issuance reentered by the department upon request if the
 2 31 request is accompanied by a letter from the applicable person's
 2 32 commanding officer verifying the military service.

2 33 EXPLANATION

2 34 Under current law, if a person's Iowa driver's license
 2 35 expires while the person is serving on active duty in the



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3 1 military service of the United States, the validity of the
3 2 license is extended without fee until six months following
3 3 the person's separation from active duty. The extension is
3 4 contingent upon the absence of any physical disabilities of the
3 5 person that might affect the ability to drive. A person whose
3 6 license is extended is required to furnish proof of military
3 7 service upon the demand of a peace officer. If a person
3 8 fails to do so and is charged with driving without a valid
3 9 license, the person can avoid conviction by producing in court
3 10 a valid driver's license previously issued to the person along
3 11 with proof of the person's military service. The extension
3 12 privilege also applies for up to five years for a spouse,
3 13 child, or ward of the person serving in the military who is
3 14 living with the person outside the state of Iowa.

3 15 This bill extends a similar privilege to a person who becomes
3 16 a resident of Iowa following separation from active duty. A
3 17 driver's license issued by another state and held by the person
3 18 at the time of entering military service shall be valid in this
3 19 state for six months following the person's initial separation
3 20 from active duty.

3 21 The extension privilege applies for up to five years for a
3 22 spouse, child, or ward of a person in military service who was
3 23 living with the person outside this state or the original state
3 24 of residence, as applicable.

LSB 5202HH (3) 83

dea/nh



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House File 2090 - Introduced

HOUSE FILE
BY TYMESON

A BILL FOR

1 An Act relating to the voting procedures of the joint board
2 of an entity engaged in the joint exercise of governmental
3 powers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5080YH (10) 83
md/sc



Iowa General Assembly
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House File 2090 - Introduced continued

PAG LIN

1 1 Section 1. Section 28E.6, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 5. a. If the joint board of an entity
1 4 created in an agreement under this chapter takes action
1 5 relating to the condemnation of private property, only those
1 6 members of the joint board who are elected officials of a
1 7 public agency where the private property is located may vote
1 8 on the issue. Actions relating to the condemnation of private
1 9 property require approval by a majority of members who are
1 10 eligible to vote. Those members of the joint board who are not
1 11 eligible to vote on the issue of condemnation shall be counted
1 12 in determining a quorum at the meeting where the issue will be
1 13 presented for a vote.
1 14 b. This subsection shall not apply if the number of members
1 15 eligible to vote is less than three.

1 16 EXPLANATION

1 17 This bill provides that if the joint board of an entity
1 18 created in an agreement under Code chapter 28E takes action
1 19 relating to the condemnation of private property, only those
1 20 members of the joint board who are elected officials of a
1 21 public agency where the private property is located may vote
1 22 on the issue. The bill provides that actions relating to the
1 23 condemnation of private property by a joint board require
1 24 approval by a majority of members who are eligible to vote.
1 25 Those members of the joint board who are not eligible to vote
1 26 on the issue of condemnation shall, however, be counted for
1 27 purposes of determining whether a quorum is present at the
1 28 meeting where the issue will be presented for a vote. The bill
1 29 also provides that the voting eligibility requirement does not
1 30 apply if application of the requirement would result in less
1 31 than three members of the joint board being eligible to vote.

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md/sc



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House File 2091 - Introduced

HOUSE FILE
BY FREVERT

A BILL FOR

1 An Act relating to the operation of off-road vehicles on
2 highways, providing a registration fee, and making a penalty
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5109HH (10) 83
dea/nh



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House File 2091 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.1, Code Supplement 2009, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 47A. "Off=road vehicle" means any
1 4 self=propelled vehicle designed to travel on two or more
1 5 wheels and designed primarily to be operated on land other
1 6 than a highway. "Off=road vehicle" includes but is not
1 7 limited to all=terrain vehicles, dune buggies, and any vehicle
1 8 whose manufacturer's statement of origin or manufacturer's
1 9 certificate of origin states that the vehicle is not for
1 10 highway use.

1 11 Sec. 2. Section 321.117, Code 2009, is amended to read as
1 12 follows:

1 13 321.117 Motorcycle, off=road vehicle, motorized
1 14 bicycle, ambulance, and hearse fees.

~~1 15 For all motorcycles the annual registration fee shall~~
~~1 16 be twenty dollars. For all motorized bicycles the annual~~
~~1 17 registration fee shall be seven dollars. When the motorcycle~~
~~1 18 is more than five model years old, the annual registration fee~~
~~1 19 shall be ten dollars.~~

1 20 1. The annual registration fee for a motorcycle is twenty
1 21 dollars. When the motorcycle is more than five model years
1 22 old, the fee is ten dollars. For purposes of registration
1 23 under this section, "motorcycle" includes an off=road vehicle as
1 24 provided in section 321.234A, subsection 4.

1 25 2. The annual registration fee for a motorized bicycle is
1 26 seven dollars.

1 27 3. The annual registration fee for ambulances and hearses
1 28 shall be is fifty dollars. Passenger car plates shall be
1 29 issued for ambulances and hearses.

1 30 Sec. 3. Section 321.234A, Code 2009, is amended to read as
1 31 follows:

1 32 ~~321.234A All=terrain~~ Off=road vehicles == highway use.

1 33 1. All=terrain Except as provided in subsection 4,
1 34 off=road vehicles shall not be operated on a highway unless one
1 35 or more of the following conditions apply:



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- 2 1 a. The operation is between sunrise and sunset and is
2 2 incidental to the vehicle's use for agricultural purposes.
- 2 3 b. The operation is incidental to the vehicle's use for the
2 4 purpose of surveying by a licensed engineer or land surveyor.
- 2 5 c. The ~~all-terrain~~ off-road vehicle is operated by an
2 6 employee or agent of a political subdivision or public utility
2 7 for the purpose of construction or maintenance on or adjacent
2 8 to the highway.
- 2 9 d. The ~~all-terrain~~ off-road vehicle is operated by an
2 10 employee or agent of a public agency as defined in section 34.1
2 11 for the purpose of providing emergency services or rescue.
- 2 12 e. The ~~all-terrain~~ off-road vehicle is operated for
2 13 the purpose of mowing, installing approved trail signs, or
2 14 providing maintenance on a snowmobile trail or all-terrain
2 15 vehicle trail designated by the department of natural
2 16 resources.
- 2 17 2. A person operating an ~~all-terrain~~ off-road vehicle on a
2 18 highway shall have a valid driver's license ~~and the~~. Unless
2 19 registered pursuant to subsection 4, an off-road vehicle shall
2 20 be operated at speeds of thirty-five miles per hour or less.
- 2 21 3. An ~~all-terrain~~ off-road vehicle that is owned
2 22 by the owner of land adjacent to a highway, other than
2 23 an interstate road, may be operated by the owner of the
2 24 ~~all-terrain~~ off-road vehicle, or by a member of the owner's
2 25 family, on the portion of the highway right-of-way that is
2 26 between the shoulder of the roadway, or at least five feet
2 27 from the edge of the roadway, and the owner's property line.
2 28 A person operating an ~~all-terrain~~ off-road vehicle within the
2 29 highway right-of-way under this subsection shall comply with
2 30 the registration, safety, and age requirements under chapter
2 31 321I.
- 2 32 4. a. An all-terrain vehicle with four or more wheels and
2 33 a combustion engine having a piston or rotor displacement of
2 34 two hundred centimeters or more may be issued a certificate
2 35 of title under this chapter and registered as a motorcycle



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3 1 pursuant to section 321.117 to be operated on highways. An
3 2 all-terrain vehicle registered as a motorcycle is subject
3 3 to the lighting and equipment requirements applicable to
3 4 motorcycles under this chapter.

3 5 b. A person shall not operate an all-terrain vehicle
3 6 registered as a motorcycle on an interstate.

3 7 4. 5. A person convicted of a violation of this section
3 8 is guilty of a simple misdemeanor punishable as a scheduled
3 9 violation under section 805.8A, subsection 3, paragraph "f".

3 10 Sec. 4. Section 321I.1, subsection 16, paragraph b, Code
3 11 Supplement 2009, is amended to read as follows:

3 12 b. An owner of an off-road utility vehicle may register
3 13 or title an off-road utility vehicle in order to legally
3 14 operate the off-road vehicle on public ice, a designated
3 15 riding area, or a designated riding trail. The operator of an
3 16 off-road utility vehicle is subject to provisions governing the
3 17 operation of ~~all-terrain~~ off-road vehicles in section 321.234A
3 18 and this chapter, but is exempt from the safety instruction
3 19 and certification program requirements of sections 321I.25 and
3 20 321I.26. An operator of an off-road utility vehicle shall not
3 21 operate the vehicle on a designated riding area or designated
3 22 riding trail unless the department has posted signage
3 23 indicating the riding area or trail is open to the operation
3 24 of off-road utility vehicles. Off-road utility vehicles are
3 25 exempt from the dealer registration and titling requirements
3 26 of this chapter. A motorized vehicle that was previously
3 27 titled or is currently titled under chapter 321 shall not be
3 28 registered or operated as an off-road utility vehicle.

3 29 Sec. 5. Section 321I.9, unnumbered paragraph 1, Code 2009,
3 30 is amended to read as follows:

3 31 Registration under this chapter shall not be required for
3 32 the following described all-terrain vehicles:

3 33 Sec. 6. Section 321I.9, Code 2009, is amended by adding the
3 34 following new subsection:

3 35 NEW SUBSECTION. 4. All-terrain vehicles, as defined in



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4 1 section 321.1, which are titled and registered in accordance
4 2 with section 321.234A, subsection 4.
4 3 Sec. 7. Section 321I.31, subsection 1, Code 2009, is amended
4 4 to read as follows:

4 5 1. The owner of an all-terrain vehicle acquired on or
4 6 after January 1, 2000, other than an all-terrain vehicle used
4 7 exclusively as a farm implement ~~or~~, an all-terrain vehicle
4 8 titled and registered in accordance with section 321.234A,
4 9 subsection 4, or a motorcycle previously issued a title
4 10 pursuant to chapter 321, shall apply to the county recorder
4 11 of the county in which the owner resides for a certificate of
4 12 title for the all-terrain vehicle. The owner of an all-terrain
4 13 vehicle used exclusively as a farm implement may obtain
4 14 a certificate of title. A person who owns an all-terrain
4 15 vehicle that is not required to have a certificate of title
4 16 may apply for and receive a certificate of title for the
4 17 all-terrain vehicle and, subsequently, the all-terrain vehicle
4 18 shall be subject to the requirements of this chapter as if
4 19 the all-terrain vehicle were required to be titled. All
4 20 all-terrain vehicles that are titled shall be registered.

4 21 EXPLANATION

4 22 This bill addresses a broad category of vehicles referred
4 23 to as "off-road" vehicles and provides for the operation of
4 24 certain off-road vehicles on noninterstate highways.

4 25 The bill defines "off-road vehicle" to mean any
4 26 self-propelled vehicle designed to travel on two or more wheels
4 27 and designed primarily to be operated on land other than a
4 28 highway. The definition includes all-terrain vehicles, dune
4 29 buggies, and any vehicle whose manufacturer's statement of
4 30 origin or manufacturer's certificate of origin states that the
4 31 vehicle is not for highway use.

4 32 Current Code provisions restricting the operation of
4 33 all-terrain vehicles on highways are revised to apply to all
4 34 vehicles meeting the definition of "off-road vehicle". An
4 35 off-road vehicle may be operated on a highway at speeds of



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5 1 less than 35 miles per hour by a person with a valid driver's
5 2 license as follows: between the hours of sunrise and sunset
5 3 when the operation is for agricultural purposes; by a licensed
5 4 engineer or land surveyor for the purpose of land surveying; by
5 5 an employee or agent of a political subdivision for the purpose
5 6 of construction or maintenance on or adjacent to a highway;
5 7 by an employee or agent of a public agency for the purpose of
5 8 providing emergency services or rescue; or for the purpose
5 9 of mowing, installing approved trail signs, or providing
5 10 maintenance on a snowmobile trail or all-terrain vehicle
5 11 trail designated by the department of natural resources. In
5 12 addition, the owner of an off-road vehicle who owns land
5 13 adjacent to a noninterstate highway may operate the off-road
5 14 vehicle on the right-of-way between the shoulder and the
5 15 owner's property line. The operating privilege extends to
5 16 the property owner's family members and is conditioned upon
5 17 compliance with the registration, safety, and age requirements
5 18 applicable for the operation of all-terrain vehicles on public
5 19 lands.

5 20 Under the bill, an off-road vehicle classified as an
5 21 all-terrain vehicle that has four or more wheels and a
5 22 combustion engine having a piston or rotor displacement of two
5 23 hundred centimeters or more may be issued a certificate of
5 24 title by the county treasurer and registered as a motorcycle
5 25 for operation on highways, subject to the lighting and
5 26 equipment requirements applicable to motorcycles. The annual
5 27 registration fee is \$20, and when the vehicle is more than
5 28 five model years old, the fee is reduced to \$10. Pursuant to
5 29 current law, a vehicle subject to registration is also subject
5 30 to a fee for new registration in the amount of five percent
5 31 of the purchase price, payable upon application for a new
5 32 registration and certificate of title. A person operating
5 33 any off-road vehicle on a highway is required to have a valid
5 34 driver's license. The bill specifies that an all-terrain
5 35 vehicle registered as a motorcycle is not subject to the



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6 1 35-mile-per-hour speed limitation, but operation is restricted
6 2 to noninterstate highways.

6 3 The bill makes conforming amendments to provide that
6 4 an all-terrain vehicle that is titled and registered as a
6 5 motorcycle for operation on highways under Code chapter 321
6 6 is exempt from the registration requirements for all-terrain
6 7 vehicles and off-road utility vehicles administered by the
6 8 department of natural resources under Code chapter 321I.

6 9 A violation of provisions governing the operation of
6 10 off-road vehicles on a highway is a simple misdemeanor,
6 11 punishable by a scheduled fine of \$50.

LSB 5109HH (10) 83

dea/nh



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House File 2092 - Introduced

HOUSE FILE
BY GAYMAN

A BILL FOR

1 An Act modifying the definition of a hate crime, and providing
2 penalties.

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

TLSB 5689HH (3) 83

jm/rj



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1 1 Section 1. Section 729A.2, Code 2009, is amended to read as
1 2 follows:

1 3 729A.2 Violation of individual rights == hate crime.

1 4 1. "Hate crime" means one of the following public offenses
1 5 when committed against a person or a person's property because
1 6 of the person's race, color, religion, ancestry, national
1 7 origin, housing status, political affiliation, sex, sexual
1 8 orientation, age, or disability, or the person's association
1 9 with a person of a certain race, color, religion, ancestry,
1 10 national origin, housing status, political affiliation, sex,
1 11 sexual orientation, age, or disability:

1 12 ~~1.~~ a. Assault in violation of individual rights under
1 13 section 708.2C.

1 14 ~~2.~~ b. Violations of individual rights under section 712.9.

1 15 ~~3.~~ c. Criminal mischief in violation of individual rights
1 16 under section 716.6A.

1 17 ~~4.~~ d. Trespass in violation of individual rights under
1 18 section 716.8, subsections 3 and 4.

1 19 2. As used in this section, "housing status" means a
1 20 circumstance whereby a person lacks a fixed, regular, and
1 21 adequate nighttime residence and who has a primary nighttime
1 22 residence that is one of the following:

1 23 a. A supervised publicly or privately operated shelter
1 24 designed to provide temporary living accommodations.

1 25 b. An institution that provides a temporary residence for
1 26 persons intended to be institutionalized.

1 27 c. A public or private place not designed for, or ordinarily
1 28 used as, a regular sleeping accommodation for human beings.

1 29 EXPLANATION

1 30 This bill modifies the definition of a hate crime. The
1 31 bill adds a person's housing status to the list of reasons
1 32 used to elevate the penalties for assault in violation of
1 33 individual rights under Code section 708.2C, criminal mischief
1 34 in violation of individual rights under Code section 716.6A,
1 35 trespass in violation of individual rights under Code section



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2 1 716.8(3) and (4), and other violations of individual rights
2 2 under Code section 712.9.
2 3 The bill defines "housing status" to mean a circumstance
2 4 whereby a person lacks a fixed, regular, and adequate nighttime
2 5 residence and who has a primary nighttime residence that is a
2 6 publicly or privately operated shelter, a temporary residence
2 7 for persons intended to be institutionalized, or a public
2 8 or private place not designed for, or ordinarily used as, a
2 9 regular sleeping accommodation for human beings.
2 10 Commission of a crime classified as a hate crime shall be
2 11 punished as an offense one degree higher than the underlying
2 12 offense under current provisions and the bill.

LSB 5689HH (3) 83

jm/rj



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House File 2093 - Introduced

HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act relating to increasing efficiencies in accountability
2 measures for Medicaid program providers under the purview of
3 the Iowa Medicaid enterprise.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5525YH (4) 83
pf/rj



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1 1 Section 1. ACCOUNTABILITY MEASURES == PROCEDURES == IOWA
1 2 MEDICAID ENTERPRISE. The department of human services shall
1 3 review accountability measures for medical assistance program
1 4 providers under the purview of the Iowa Medicaid enterprise
1 5 and shall develop a plan to reduce duplication and improve
1 6 efficiencies relative to the measures such as consolidation and
1 7 information sharing. The department shall submit the plan,
1 8 including a timeline for implementation, to the general
1 9 assembly no later than September 15, 2010.

1 10 EXPLANATION

1 11 This bill directs the department of human services to review
1 12 accountability measures for Medicaid program providers under
1 13 the purview of the Iowa Medicaid enterprise and develop a plan
1 14 to reduce duplication and improve efficiencies. The plan,
1 15 including a timeline for implementation, is required to be
1 16 submitted to the general assembly no later than September 15,
1 17 2010.

LSB 5525YH (4) 83

pf/rj



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House File 2094 - Introduced

HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act relating to the level of care evaluations required under
2 the medical assistance program home and community-based
3 services waiver for persons with intellectual disabilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5521YH (2) 83
jp/nh



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House File 2094 - Introduced continued

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1 1 Section 1. LEVEL OF CARE EVALUATION. The department of
1 2 human services shall amend the medical assistance program
1 3 home and community-based services waiver for persons with
1 4 intellectual disabilities so that required evaluations
1 5 performed subsequent to the initial diagnosis of mental
1 6 retardation are for the purpose of determining the appropriate
1 7 level of care rather than confirming the original diagnosis.

1 8 EXPLANATION

1 9 This bill requires the department of human services to
1 10 amend the medical assistance program home and community-based
1 11 services waiver for persons with intellectual disabilities
1 12 so that evaluations made subsequent to the initial diagnosis
1 13 of mental retardation are for the purpose of determining the
1 14 appropriate level of care rather than confirming the original
1 15 diagnosis.

LSB 5521YH (2) 83

jp/nh



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House File 2095 - Introduced

HOUSE FILE
BY SCHULTE

A BILL FOR

1 An Act requiring the inclusion of certain transportation
2 services under the medical assistance program home
3 and community-based services waiver for persons with
4 intellectual disabilities.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5524YH (2) 83
jp/nh



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1 1 Section 1. INCLUSION OF TRANSPORTATION SERVICES. The
1 2 department of human services shall amend the medical
1 3 assistance program home and community-based services waiver
1 4 for persons with intellectual disabilities as necessary
1 5 for employment-related transportation to be covered by the
1 6 supported community living services provider.

1 7 EXPLANATION

1 8 This bill requires the department of human services to
1 9 amend the medical assistance program home and community-based
1 10 services waiver for persons with intellectual disabilities
1 11 as necessary for employment-related transportation to be
1 12 covered by the supported community living services provider.
1 13 Under current waiver requirements in 441 IAC 78.41(7)(c),
1 14 employment-related transportation costs are provided by the
1 15 supported employment services provider after using community
1 16 forms of transportation such as public transportation,
1 17 coworkers, and volunteers has been attempted. Coverage of
1 18 transportation to and from work by the supported community
1 19 living services provider is currently prohibited under 441 IAC
1 20 78.41(1)(a)(5).

LSB 5524YH (2) 83

jp/nh



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House File 2096 - Introduced

HOUSE FILE
BY ISENHART and KOESTER

A BILL FOR

- 1 An Act creating an Iowa institute for public policy.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5949YH (2) 83
ec/nh



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1 1 Section 1. NEW SECTION. 2E.1 IOWA INSTITUTE FOR PUBLIC
1 2 POLICY == BOARD == EXECUTIVE DIRECTOR == FUNDING.
1 3 1. The Iowa institute for public policy shall be established
1 4 as a nonprofit corporation under chapter 504 and section
1 5 501(c)(3) of the Internal Revenue Code. The institute shall
1 6 provide policymakers with timely information, research, and
1 7 recommendations to assist policymakers in this state in making
1 8 informed judgments about important long-term issues facing the
1 9 state and to improve the effectiveness of government in the
1 10 state.
1 11 2. a. The board of directors of the Iowa institute for
1 12 public policy shall consist of twelve members as follows:
1 13 (1) Two state representatives, one appointed by the speaker
1 14 of the house of representatives and one by the minority leader
1 15 of the house, and two state senators, one appointed by the
1 16 majority leader of the senate and one by the minority leader
1 17 of the senate.
1 18 (2) Two members appointed by the governor.
1 19 (3) One member appointed by the president of the university
1 20 of northern Iowa.
1 21 (4) One member appointed by the president of the university
1 22 of Iowa.
1 23 (5) One member appointed by the president of Iowa state
1 24 university of science and technology.
1 25 (6) One member appointed by the Iowa association of
1 26 independent colleges and universities.
1 27 (7) One member appointed by the Iowa association of
1 28 community college presidents.
1 29 (8) The director of the legislative services agency.
1 30 b. One co-chairperson shall be appointed by the board who
1 31 is a state representative and one co-chairperson shall be
1 32 appointed by the board who is a state senator. Members of
1 33 the board other than the director of the legislative services
1 34 agency shall serve two-year terms from the date of their
1 35 appointment, and shall continue to serve until their successors



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2 1 have been appointed. A member shall not serve more than two
2 2 consecutive terms. All members of the board serve at the
2 3 pleasure of the respective appointing authority, if any.
2 4 c. The board of directors shall meet at least quarterly, or
2 5 more frequently at the call of the co-chairpersons.
2 6 d. The board of directors shall adopt bylaws necessary for
2 7 the conduct of the business of the institute consistent with
2 8 this section.
2 9 3. The duties of the institute shall include but not be
2 10 limited to the following:
2 11 a. Initiate, sponsor, conduct, and publish research useful
2 12 to policymakers.
2 13 b. Organize conferences or other meetings on matters of
2 14 common interest to policymakers, academic experts, and other
2 15 stakeholders.
2 16 c. Conduct reviews and evaluations of state programs
2 17 and policies for the purpose of enhancing their long-term
2 18 effectiveness.
2 19 d. Provide technical and scientific assistance to
2 20 policymakers in connection with long-term issues facing the
2 21 state.
2 22 e. Strengthen the links between state government and Iowa's
2 23 academic, educational, and research communities in the interest
2 24 of more informed policymaking and more relevant academic
2 25 research.
2 26 4. a. The board shall employ an executive director who
2 27 shall serve as the chief executive officer for the institute.
2 28 The executive director shall be responsible for all operations
2 29 of the institute, including the hiring and supervision of
2 30 staff which may be authorized by the board, contracting with
2 31 university and other researchers, managing projects, and
2 32 communicating with the public and other stakeholders, including
2 33 the legislative council and legislative staff.
2 34 b. A person employed by the institute is a state employee
2 35 for purposes of the Iowa public employees' retirement system,



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3 1 state health and dental plans, and other state employee
3 2 benefits plans and chapter 669. Chapters 8, 8A, and 20,
3 3 and other provisions of law that relate to requirements or
3 4 restrictions dealing with state personnel or state funds, do
3 5 not apply to the institute or any employees of the board or the
3 6 institute except to the extent provided in this chapter.
3 7 5. The institute shall be funded by appropriations by the
3 8 general assembly and from other public sources which may be
3 9 approved by the board. The institute shall accept no private
3 10 funding, except long-term funding commitments of three years or
3 11 more from private foundations or nonprofit organizations solely
3 12 for the purpose of supporting the institute's employment of
3 13 students attending a postsecondary educational institution in
3 14 Iowa, which funding may not be conditioned by the institute or
3 15 the entity providing the funds to support any specific research
3 16 project or any other program undertaken by the institute. The
3 17 institute may employ such students directly or may support the
3 18 employment of students by contract. The institute may impose
3 19 registration fees on participants for conferences it organizes,
3 20 and may retain the proceeds of such registration fees.

3 21 Sec. 2. REPEAL. Section 7D.15, Code 2009, is repealed.

3 22

EXPLANATION

3 23 This bill provides for the establishment of the Iowa
3 24 institute for public policy as a nonprofit corporation for
3 25 the purpose of assisting policymakers in this state in making
3 26 informed judgments about important long-term issues facing the
3 27 state and to improve the effectiveness of government in the
3 28 state.

3 29 The institute is governed by a 12-member board of
3 30 directors. The membership of the board consists of two state
3 31 representatives, two state senators, two members appointed
3 32 by the governor, one member appointed by the president of
3 33 the university of northern Iowa, one member appointed by the
3 34 president of the university of Iowa, one member appointed
3 35 by the president of Iowa state university of science and



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4 1 technology, one member appointed by the Iowa association of
4 2 independent colleges and universities, one member appointed by
4 3 the Iowa association of community college presidents, and the
4 4 director of the legislative services agency. The bill provides
4 5 that the board shall appoint co-chairpersons of the board, one
4 6 who is a state representative and one who is a state senator.
4 7 The bill provides for meetings of the board and for adoption of
4 8 bylaws for the board and the institute.
4 9 The bill provides that the board shall employ an executive
4 10 director who shall be responsible for all operations of the
4 11 institute, including the hiring and supervision of staff. The
4 12 bill provides that employees of the institute or board shall
4 13 be considered state employees for purposes of the Iowa public
4 14 employees' retirement system, state health and dental plans,
4 15 and other state employee benefits plans and the state tort
4 16 claims act. The bill also provides that the institute may be
4 17 funded from public and private sources.
4 18 Code section 7D.15, requiring the executive council to
4 19 establish a public policy research foundation, is repealed.
LSB 5949YH (2) 83
ec/nh



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House File 2097 - Introduced

HOUSE FILE
BY HANSON

A BILL FOR

1 An Act requiring the use of safety helmets by certain young
2 persons operating motorized bicycles, and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5489HH (3) 83
dea/nh



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1 1 Section 1. Section 321.275, Code 2009, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 9. Motorized bicycle operators ==
1 4 helmets. A person who is under seventeen years of age shall
1 5 wear a properly adjusted and fastened safety helmet when
1 6 operating a motorized bicycle. The safety helmet shall be
1 7 worn at all times when the motorized bicycle is in motion.
1 8 For purposes of this subsection, "safety helmet" means a
1 9 motorcycle safety helmet that complies with the standards and
1 10 specifications established under 49 C.F.R. { 571.218.

1 11 Sec. 2. Section 805.8A, subsection 6, paragraph b, Code
1 12 Supplement 2009, is amended to read as follows:

1 13 b. For violations under section 321.275, subsections 1
1 14 through 7, and subsection 9, sections 321.277A, 321.315,
1 15 321.316, 321.318, 321.363, and 321.365, the scheduled fine is
1 16 twenty-five dollars.

1 17 EXPLANATION

1 18 This bill requires a person under 17 years of age to wear
1 19 a safety helmet when operating a motorized bicycle. The bill
1 20 specifies that the safety helmet must meet federal standards
1 21 for motorcycle helmets and must be worn by the driver at all
1 22 times when the motorized bicycle is in motion.

1 23 Pursuant to current law, a violation of motorized bicycle
1 24 operating requirements is a simple misdemeanor punishable by a
1 25 scheduled fine of \$25.

1 26 In addition, a violation of the helmet requirement
1 27 qualifies as a moving violation and, as such, is grounds for
1 28 cancellation of the person's license to operate a motorized
1 29 bicycle. A person whose license is canceled may reapply for
1 30 a license after 30 days. If the person who violates the
1 31 helmet requirement while operating a motorized bicycle has
1 32 an instruction permit or intermediate driver's license, a
1 33 conviction for a moving violation subjects the permittee or
1 34 licensee to remedial driver improvement action and may be cause
1 35 for suspension of the license or permit. If the person has a



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2 1 special minor's license, or "school" license, a conviction for
2 2 a moving violation is grounds for license suspension at the
2 3 discretion of the department of transportation, and two such
2 4 violations result in mandatory revocation of the license.

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House File 2098 - Introduced

HOUSE FILE
BY QUIRK

(COMPANION TO SF 350
BY DANDEKAR)

A BILL FOR

1 An Act concerning driver education instruction by a teaching
2 parent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 6008HH (3) 83
dea/nh



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1 1 Section 1. NEW SECTION. 321.179 Driver education ==
1 2 teaching parent.
1 3 1. Teaching parent. As an alternative to the driver
1 4 education requirements under section 321.178, a teaching parent
1 5 may instruct a student in a driver education course that meets
1 6 the requirements of this section and provide evidence that the
1 7 requirements under this section have been met.
1 8 2. Definitions. For purposes of this section:
1 9 a. "Approved course" means driver education curriculum
1 10 approved by the department pursuant to rules adopted under
1 11 chapter 17A. An approved course shall, at a minimum, meet
1 12 the requirements of subsection 3 and be appropriate for
1 13 teaching=parent=directed driver education and related street or
1 14 highway instruction. Driver education materials that meet or
1 15 exceed standards established by the department for an approved
1 16 course in driver education for a public or private school shall
1 17 be approved unless otherwise determined by the department. The
1 18 list of approved courses shall be posted on the department's
1 19 internet site.
1 20 b. "Student" means a person between the ages of fourteen
1 21 and twenty=one years who is within the custody and control of
1 22 the teaching parent and who satisfies preliminary licensing
1 23 requirements of the department.
1 24 c. "Teaching parent" means a parent, guardian, or legal
1 25 custodian of a student who is currently providing competent
1 26 private instruction to the student pursuant to section
1 27 299A.2 or 299A.3 and who provided such instruction to the
1 28 student during the previous year; who has a valid driver's
1 29 license, other than a motorized bicycle license or a temporary
1 30 restricted license, that permits unaccompanied driving; and
1 31 who has maintained a clear driving record for the previous two
1 32 years. For purposes of this paragraph, "clear driving record"
1 33 means the individual has not been identified as a candidate for
1 34 suspension of a driver's license under the habitual offender
1 35 provisions of the department's regulations; is not subject to a



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2 1 driver's license suspension, revocation, denial, cancellation,
2 2 disqualification, or bar; and has no record of a conviction
2 3 for a moving traffic violation determined to be the cause of a
2 4 motor vehicle accident.
2 5 3. Course of instruction.
2 6 a. An approved course administered by a teaching parent
2 7 shall consist of but not be limited to the following:
2 8 (1) Thirty clock hours of classroom instruction.
2 9 (2) Forty hours of street or highway driving including
2 10 four hours of driving after sunset and before sunrise while
2 11 accompanied by the teaching parent.
2 12 (3) Four hours of classroom instruction concerning
2 13 substance abuse.
2 14 (4) A minimum of twenty minutes of instruction concerning
2 15 railroad crossing safety.
2 16 (5) Instruction relating to becoming an organ donor under
2 17 the revised uniform anatomical gift Act as provided in chapter
2 18 142C.
2 19 (6) Instruction providing an awareness about sharing the
2 20 road with bicycles and motorcycles.
2 21 b. The content of the course of instruction required under
2 22 this subsection shall be equivalent to that required under
2 23 section 321.178. However, reference and study materials,
2 24 physical classroom requirements, and extra vehicle safety
2 25 equipment required for instruction under section 321.178 shall
2 26 not be required for the course of instruction provided under
2 27 this section.
2 28 4. Course completion and certification. Upon application
2 29 by a student for an intermediate license, the teaching parent
2 30 shall provide evidence showing the student's completion
2 31 of an approved course and substantial compliance with the
2 32 requirements of subsection 3 by affidavit signed by the
2 33 teaching parent on a form to be provided by the department.
2 34 The evidence shall include all of the following:
2 35 a. Documentation that the instructor is a teaching parent as



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3 1 defined in subsection 2.
3 2 b. Documentation that the student is receiving competent
3 3 private instruction under section 299A.2 or the name of
3 4 the school district within which the student is receiving
3 5 instruction under section 299A.3.
3 6 c. The name of the approved course completed by the student.
3 7 d. An affidavit attesting to satisfactory completion of
3 8 course work and street or highway driving instruction.
3 9 e. Copies of written tests completed by the student.
3 10 f. A statement of the number of classroom hours of
3 11 instruction.
3 12 g. A log of completed street or highway driving instruction
3 13 including the dates when the lessons were conducted, the
3 14 student's and the teaching parent's name and initials noted
3 15 next to each entry, notes on driving activities including a
3 16 list of driving deficiencies and improvements, and the duration
3 17 of the driving time for each session.
3 18 5. Intermediate license. Any student who successfully
3 19 completes an approved course as provided in this section,
3 20 passes a driving test to be administered by the department,
3 21 and is otherwise qualified under section 321.180B, subsection
3 22 2, shall be eligible for an intermediate license pursuant
3 23 to section 321.180B. Twenty of the forty hours of street
3 24 or highway driving instruction required under subsection 3,
3 25 paragraph "a", subparagraph (2), may be utilized to satisfy the
3 26 requirement of section 321.180B, subsection 2.
3 27 6. Full license. A student must comply with section
3 28 321.180B, subsection 4, to be eligible for a full driver's
3 29 license pursuant to section 321.180B.
3 30 Sec. 2. Section 321.180B, subsection 2, Code Supplement
3 31 2009, is amended to read as follows:
3 32 2. Intermediate license.
3 33 a. The department may issue an intermediate driver's
3 34 license to a person sixteen or seventeen years of age who
3 35 possesses an instruction permit issued under subsection 1 or



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4 1 a comparable instruction permit issued by another state for a
4 2 minimum of six months immediately preceding application, and
4 3 who presents an affidavit signed by a parent, guardian, or
4 4 custodian on a form to be provided by the department that the
4 5 permittee has accumulated a total of twenty hours of street
4 6 or highway driving of which two hours were conducted after
4 7 sunset and before sunrise and the street or highway driving was
4 8 with the permittee's parent, guardian, custodian, instructor,
4 9 a person certified by the department, or a person at least
4 10 twenty-five years of age who had written permission from a
4 11 parent, guardian, or custodian to accompany the permittee, and
4 12 whose driving privileges have not been suspended, revoked,
4 13 or barred under this chapter or chapter 321J during, and who
4 14 has been accident and violation free continuously for, the
4 15 six-month period immediately preceding the application for an
4 16 intermediate license. An applicant for an intermediate license
4 17 must meet the requirements of section 321.186, including
4 18 satisfactory completion of driver education as required in
4 19 section 321.178 or 321.179, and payment of the required license
4 20 fee before an intermediate license will be issued.

4 21 b. A person issued an intermediate license must limit the
4 22 number of passengers in the motor vehicle when the intermediate
4 23 licensee is operating the motor vehicle to the number of
4 24 passenger safety belts.

4 25 c. Except as otherwise provided, a person issued an
4 26 intermediate license under this subsection who is operating a
4 27 motor vehicle between the hours of twelve-thirty a.m. and five
4 28 a.m. must be accompanied by a person issued a driver's license
4 29 valid for the vehicle operated who is the parent, guardian,
4 30 or custodian of the permittee, a member of the permittee's
4 31 immediate family if the family member is at least twenty-one
4 32 years of age, an approved driver education instructor, a
4 33 prospective driver education instructor who is enrolled in
4 34 a practitioner preparation program with a safety education
4 35 program approved by the state board of education, or a person



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5 1 at least twenty-five years of age if written permission is
5 2 granted by the parent, guardian, or custodian, and who is
5 3 actually occupying a seat beside the driver. However, a
5 4 licensee may operate a vehicle to and from school-related
5 5 extracurricular activities and work without an accompanying
5 6 driver between the hours of twelve-thirty a.m. and five a.m.
5 7 if such licensee possesses a waiver on a form to be provided by
5 8 the department. An accompanying driver is not required between
5 9 the hours of five a.m. and twelve-thirty a.m.

5 10 EXPLANATION

5 11 This bill allows a parent, guardian, or legal custodian who
5 12 is providing competent private instruction to a student to
5 13 teach the student driver education, provided the person has a
5 14 valid driver's license that permits unaccompanied driving and
5 15 has a clear driving record for the previous two years. The
5 16 classroom instruction requirements for the alternative course
5 17 of instruction are substantially the same as for an approved
5 18 course of instruction offered by a public school district or
5 19 private or commercial driver education school, with additional
5 20 requirements for 40, rather than 20, hours of street or highway
5 21 driving including night driving. The course of instruction
5 22 must be a course approved by the department of transportation
5 23 by rule and utilize driver education materials that meet or
5 24 exceed standards established for driver education courses
5 25 approved for public or private schools. A list of approved
5 26 courses is to be posted on the transportation department's
5 27 website.

5 28 In order for the student to qualify for an intermediate
5 29 driver's license, the teaching parent is required to document
5 30 substantial compliance with the driver education course
5 31 requirements and furnish an affidavit attesting to the
5 32 student's satisfactory completion of the course work and street
5 33 or highway driving to the department of education.

LSB 6008HH (3) 83

dea/nh



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House File 2099 - Introduced

HOUSE FILE
BY HANSON

A BILL FOR

1 An Act concerning text messaging and the use of cellular
2 telephones by motor vehicle operators who are minors and
3 providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5482HH (2) 83
dea/nh



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1 1 Section 1. NEW SECTION. 321.363A Use of cellular telephones
1 2 and other devices restricted == young drivers.
1 3 1. For purposes of this section, the following definitions
1 4 apply:
1 5 a. "Hands-free mode" means the use of a cellular telephone
1 6 by way of an internal feature or function, or an attachment
1 7 or addition, whether or not permanently part of the cellular
1 8 telephone, by which the user engages in a conversation or
1 9 communication without the use of either hand.
1 10 b. "Text message" means a text-based electronic
1 11 communication transmitted using the short message service
1 12 (SMS), a wireless telephone service, or an electronic
1 13 communication network.
1 14 c. "Wireless handset" means a handheld portable electronic
1 15 or computing device capable of transmitting data in the form of
1 16 a text message. "Wireless handset" includes but is not limited
1 17 to a cellular telephone or personal digital assistant.
1 18 2. A person under eighteen years of age shall not operate
1 19 or use a cellular telephone while operating a motor vehicle on
1 20 a street or highway unless the cellular telephone is used in
1 21 a hands-free mode.
1 22 3. A person under eighteen years of age shall not use a
1 23 wireless handset to write, read, or send a text message while
1 24 operating a motor vehicle.
1 25 4. This section does not apply to any of the following:
1 26 a. A person under eighteen years of age who possesses a full
1 27 driver's license issued under section 321.180B, subsection 4.
1 28 b. The use of a cellular telephone or wireless handset
1 29 to call 911 or to contact law enforcement authorities or an
1 30 emergency response agency in an emergency situation.
1 31 c. The use of a cellular telephone or wireless handset when
1 32 the motor vehicle is at a complete stop off the roadway.
1 33 5. A person who violates this section commits a simple
1 34 misdemeanor, punishable as a scheduled violation under section
1 35 805.8A, subsection 6, paragraph "e".



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2 1 Sec. 2. Section 805.8A, subsection 6, Code Supplement 2009,
2 2 is amended by adding the following new paragraph:
2 3 NEW PARAGRAPH. e. For violations under section 321.363A,
2 4 the scheduled fine is thirty dollars.

2 5 EXPLANATION

2 6 This bill prohibits a person under 18 years of age from
2 7 operating or using a cellular telephone while operating a motor
2 8 vehicle on a street or highway unless the cellular telephone
2 9 is used in a hands-free mode.

2 10 The bill also prohibits a person under 18 years of age from
2 11 using a wireless handset to write, read, or send a text message
2 12 while operating a motor vehicle.

2 13 The bill defines "hands-free mode" as the use of a cellular
2 14 telephone by way of an internal feature or function, or
2 15 an attachment or addition, by which the user engages in
2 16 a conversation or communication without the use of either
2 17 hand. "Text message" is defined as a text-based electronic
2 18 communication transmitted using the short message service
2 19 (SMS), a wireless telephone service, or an electronic
2 20 communication network. "Wireless handset" is defined as a
2 21 handheld portable electronic or computing device capable of
2 22 transmitting data in the form of a text message. The term
2 23 includes a cellular telephone or personal digital assistant.

2 24 The prohibitions do not apply to a person under 18 years
2 25 of age who has a full driver's license obtained under the
2 26 graduated driver licensing program. In addition, an exception
2 27 is allowed for emergency situations when a cellular telephone
2 28 or wireless handset is used by a driver to call 911 or to
2 29 contact law enforcement authorities or an emergency response
2 30 agency. The bill does not prohibit a driver from using any
2 31 cellular telephone or wireless handset when the motor vehicle
2 32 is at a complete stop off the roadway.

2 33 A violation of the bill is a simple misdemeanor punishable by
2 34 a scheduled fine of \$30.

2 35 Pursuant to current law, a young driver with a restricted



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3 1 license, an instruction permit, an intermediate license, or
3 2 a special minor's license may be subject to remedial driver
3 3 improvement actions or license sanctions upon conviction for a
3 4 moving violation.
LSB 5482HH (2) 83
dea/nh



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House File 2100 - Introduced

HOUSE FILE
BY QUIRK

A BILL FOR

1 An Act modifying provisions applicable to electric generating
2 and transmission facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5790HH (4) 83
rn/sc



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1 1 Section 1. Section 476.53, Code 2009, is amended to read as
1 2 follows:

1 3 476.53 Electric generating and transmission facilities.

1 4 1. It is the intent of the general assembly to attract
1 5 the development of electric power generating and transmission
1 6 facilities within the state in sufficient quantity to ensure
1 7 reliable electric service to Iowa consumers and provide
1 8 economic benefits to the state.

1 9 2. a. The general assembly's intent with regard to the
1 10 development of electric power generating and transmission
1 11 facilities, as provided in subsection 1, shall be implemented
1 12 in a manner that is cost-effective and compatible with the
1 13 environmental policies of the state, as expressed in Title XI.

1 14 b. The general assembly's intent with regard to the
1 15 reliability of electric service to Iowa consumers, as provided
1 16 in subsection 1, shall be implemented by considering the
1 17 diversity of the types of fuel used to generate electricity,
1 18 the availability and reliability of fuel supplies, and the
1 19 impact of the volatility of fuel costs.

1 20 3. ~~For purposes of this section, unless the context~~
~~1 21 otherwise requires, the terms "cogeneration pilot project~~
~~1 22 facility", "energy sales agreement", "qualified cogeneration~~
~~1 23 pilot project facility", and "utility-owned cogeneration pilot~~
~~1 24 project facility" mean the same as defined in section 15.269.~~

1 25 4. 3. a. The board shall specify in advance, by order
1 26 issued after a contested case proceeding, the ratemaking
1 27 principles that will apply when the costs of ~~the~~ an electric
1 28 power generating facility, or alternate energy production
1 29 facility, ~~cogeneration pilot project facility, or energy sales~~
~~1 30 agreement~~ are included in regulated electric rates whenever a
1 31 rate-regulated public utility does any of the following:

1 32 (1) Files an application pursuant to section 476A.3 to
1 33 construct in Iowa a baseload electric power generating facility
1 34 with a nameplate generating capacity equal to or greater than
1 35 three hundred megawatts or a combined-cycle electric power



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2 1 generating facility, or an alternate energy production facility
2 2 as defined in section 476.42.

2 3 (2) Leases or owns in Iowa, in whole or in part, a new
2 4 baseload electric power generating facility with a nameplate
2 5 generating capacity equal to or greater than three hundred
2 6 megawatts or a combined-cycle electric power generating
2 7 facility, or a new alternate energy production facility as
2 8 defined in section 476.42.

~~2 9 (3) Enters into an agreement for the purchase of the
2 10 electric power output of a qualified cogeneration pilot project
2 11 facility or constructs a utility-owned cogeneration pilot
2 12 project facility pursuant to section 15.269.~~

2 13 b. In determining the applicable ratemaking principles,
2 14 the board shall not be limited to traditional ratemaking
2 15 principles or traditional cost recovery mechanisms. Among the
2 16 principles and mechanisms the board may consider, the board
2 17 has the authority to approve ratemaking principles proposed by
2 18 a rate-regulated public utility that provide for reasonable
2 19 restrictions upon the ability of the public utility to seek
2 20 a general increase in electric rates under section 476.6 for
2 21 at least three years after the generating facility begins
2 22 providing service to Iowa customers.

2 23 c. In determining the applicable ratemaking principles, the
2 24 board shall make the following findings:

2 25 (1) The rate-regulated public utility has in effect a
2 26 board-approved energy efficiency plan as required under section
2 27 476.6, subsection 16.

2 28 (2) The rate-regulated public utility has demonstrated to
2 29 the board that the public utility has considered other sources
2 30 for long-term electric supply and that the facility, or lease,
~~2 31 or cogeneration pilot project facility~~ is reasonable when
2 32 compared to other feasible alternative sources of supply. The
2 33 rate-regulated public utility may satisfy the requirements of
2 34 this subparagraph through a competitive bidding process, under
2 35 rules adopted by the board, that demonstrate the facility



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~~3 1 energy sales agreement, or lease is a reasonable alternative to~~
3 2 meet its electric supply needs.
3 3 d. The applicable ratemaking principles shall be determined
3 4 in a contested case proceeding, which proceeding may be
3 5 combined with the proceeding for issuance of a certificate
3 6 conducted pursuant to chapter 476A.
3 7 e. The order setting forth the applicable ratemaking
3 8 principles shall be issued prior to the commencement of
3 9 construction or lease of the facility, ~~or execution of an~~
~~3 10 energy sales agreement related to the cogeneration pilot~~
~~3 11 project facility.~~
3 12 f. Following issuance of the order, the rate-regulated
3 13 public utility shall have the option of proceeding according to
3 14 either of the following:
3 15 (1) Withdrawing its application for a certificate pursuant
3 16 to chapter 476A.
3 17 (2) Proceeding with the construction or lease of the
3 18 facility ~~or implementation of an energy sales agreement related~~
~~3 19 to a cogeneration pilot project facility.~~
3 20 g. Notwithstanding any provision of this chapter to the
3 21 contrary, the ratemaking principles established by the order
3 22 issued pursuant to paragraph "e" shall be binding with regard to
3 23 the specific electric power generating facility ~~or cogeneration~~
~~3 24 pilot project facility~~ in any subsequent rate proceeding.
3 25 ~~5.~~ 4. The utilities board and the consumer advocate
3 26 may employ additional temporary staff, or may contract
3 27 for professional services with persons who are not state
3 28 employees, as the board and the consumer advocate deem
3 29 necessary to perform required functions as provided in this
3 30 section, including but not limited to review of power purchase
3 31 contracts, review of emission plans and budgets, and review
3 32 of ratemaking principles proposed for construction or lease
3 33 of a new generating facility ~~or a cogeneration pilot project~~
~~3 34 facility.~~ Beginning July 1, 2002, there is appropriated out
3 35 of any funds in the state treasury not otherwise appropriated,



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4 1 such sums as may be necessary to enable the board and the
4 2 consumer advocate to hire additional staff and contract for
4 3 services under this section. The costs of the additional staff
4 4 and services shall be assessed to the utilities pursuant to the
4 5 procedure in section 476.10 and section 475A.6.
4 6 6. a. ~~A qualified cogeneration pilot project facility~~
~~4 7 may file a petition with the board for a determination of the~~
~~4 8 avoided cost of an electric utility as provided in the federal~~
~~4 9 Public Utility Regulatory Policies Act of 1978 and related~~
~~4 10 federal regulations, if such a determination has not been made~~
~~4 11 within the last twenty-four months or if there is reason to~~
~~4 12 believe the avoided cost has changed.~~
4 13 b. ~~The board shall issue its determination of the electric~~
~~4 14 utility's avoided cost within one hundred twenty days after the~~
~~4 15 petition is filed.~~
4 16 c. ~~The board, for good cause shown, may extend the deadline~~
~~4 17 for issuing the decision for an additional period not to exceed~~
~~4 18 one hundred twenty days.~~
4 19 d. ~~The board shall not issue a decision under this~~
~~4 20 subsection without providing notice and an opportunity for~~
~~4 21 hearing.~~
4 22 e. ~~The utilities board and the consumer advocate may employ~~
~~4 23 additional temporary staff, or may contract for professional~~
~~4 24 services with persons who are not state employees, as the~~
~~4 25 board and the consumer advocate deem necessary to perform~~
~~4 26 required functions as provided in this subsection. There~~
~~4 27 is appropriated out of any funds in the state treasury not~~
~~4 28 otherwise appropriated, such sums as may be necessary to enable~~
~~4 29 the board and the consumer advocate to hire additional staff~~
~~4 30 and contract for services under this section. The costs of the~~
~~4 31 additional staff and services shall be assessed to the electric~~
~~4 32 utility pursuant to the procedure in sections 476.10 and~~
~~4 33 475A.6.~~
4 34 5. In order to encourage electric utility investment in
4 35 nuclear power generating facilities, the board shall by rule



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5 1 establish a mechanism for the recovery of the costs of siting,
5 2 design, licensing, and construction incurred by electric
5 3 utilities subject to rate-regulation applying for a certificate
5 4 pursuant to chapter 476A for the construction of a nuclear
5 5 power plant. The rules shall also provide for the recovery
5 6 over a reasonable period of time of all prudent preconstruction
5 7 and construction costs if a utility elects not to complete or
5 8 is precluded from completing construction of a nuclear power
5 9 plant after issuance of a certificate under chapter 476A. The
5 10 rules shall include but not be limited to conducting contested
5 11 case proceedings and determining applicable ratemaking
5 12 principles.

5 13 Sec. 2. Section 476A.3, Code 2009, is amended to read as
5 14 follows:

5 15 476A.3 Application submitted == review.

5 16 1. An application for a certificate or an amendment to
5 17 a certificate shall be submitted to the board on such forms
5 18 as the board may prescribe. Copies of the application shall
5 19 be forwarded to regulatory agencies. Regulatory agencies
5 20 receiving a copy of the application shall conduct a preliminary
5 21 review of the contents and shall evaluate the application for
5 22 completeness and compliance with the regulatory agency's permit
5 23 and licensing requirements within a reasonable amount of time.

5 24 2. Applications submitted under this section, and decisions
5 25 of the board under section 476A.6 regarding such applications,
5 26 are governed by the applicable provisions of law in effect on
5 27 the date the application was submitted.

5 28 EXPLANATION

5 29 This bill modifies provisions applicable to electric
5 30 generating and transmission facilities.

5 31 The bill expands current legislative intent regarding the
5 32 development of electric power generating and transmission
5 33 facilities to ensure reliable electric service. The bill
5 34 provides that reliability of service should take into
5 35 account the diversity of the types of fuel used to generate



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6 1 electricity, the availability and reliability of fuel supplies,
6 2 and the impact of the volatility of fuel costs.

6 3 The bill also provides that in order to encourage electric
6 4 utility investment in nuclear power generating facilities,
6 5 the Iowa utilities board shall by rule establish a cost
6 6 recovery mechanism for the costs of siting, design, licensing,
6 7 and construction incurred by electric utilities subject
6 8 to rate-regulation applying for a certificate of public
6 9 convenience, use, and necessity for the construction of a
6 10 nuclear power plant. The bill states that the rules shall
6 11 also provide for cost recovery of all prudent preconstruction
6 12 and construction costs if a utility elects not to complete or
6 13 is precluded from completing construction of a nuclear power
6 14 plant after issuance of a certificate. The rules shall also
6 15 include conducting contested case proceedings and determining
6 16 applicable ratemaking principles.

6 17 The bill provides that an application for a certificate, and
6 18 a decision by the board regarding such application, shall be
6 19 governed by the applicable provisions of law in effect on the
6 20 date the application was submitted.

6 21 Additionally, the bill deletes outdated provisions
6 22 referencing a cogeneration pilot program which was repealed
6 23 effective July 1, 2007.

LSB 5790HH (4) 83

rn/sc



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House File 2101 - Introduced

HOUSE FILE
BY REASONER

A BILL FOR

1 An Act relating to the establishment of fee schedules for
2 certain noncovered dental services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5844YH (1) 83
av/rj



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

1 22 EXPLANATION

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

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

LSB 5844YH (1) 83

av/rj



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House File 2102 - Introduced

HOUSE FILE
BY TYMESON

A BILL FOR

1 An Act relating to providing veteran services to inmates
2 incarcerated in a jail or municipal holding facility.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5041YH (5) 83
jm/nh



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1 1 Section 1. NEW SECTION. 356.6A Duty to inform about veteran
1 2 services.

1 3 The personnel of a jail or municipal holding facility shall
1 4 inform a prisoner, within twenty-four hours of incarceration,
1 5 that if the prisoner is a veteran of the United States
1 6 military forces who has been released from active duty within
1 7 the previous five years, the prisoner may be entitled to a
1 8 visit from a veteran service officer to determine if veteran
1 9 services are required or available. It shall be the duty of
1 10 the prisoner to contact the veteran service officer in order to
1 11 receive such services.

1 12 EXPLANATION

1 13 This bill relates to providing veteran services to inmates
1 14 incarcerated in a jail or municipal holding facility.

1 15 The bill requires the personnel of a jail or municipal
1 16 holding facility, to inform a prisoner, within 24 hours of
1 17 incarceration, that if the prisoner is a veteran who has been
1 18 released from active duty within the previous five years, the
1 19 prisoner may be entitled to a visit from a veteran service
1 20 officer to determine if veteran services are required or
1 21 available. It shall be the duty of the prisoner to contact the
1 22 veteran service officer in order to receive such services.

LSB 5041YH (5) 83

jm/nh



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House File 2103 - Introduced

HOUSE FILE
BY QUIRK

A BILL FOR

1 An Act relating to the composition of the building code
2 advisory council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5154HH (3) 83
jr/nh



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House File 2103 - Introduced continued

PAG LIN

1 1 Section 1. Section 103A.14, unnumbered paragraph 1, Code
1 2 2009, is amended to read as follows:
1 3 There is hereby established a ~~seven-member~~
1 4 seven-member council to be known as the state building code
1 5 advisory council. The council shall elect from its membership
1 6 a chairperson. The members of the council shall be appointed
1 7 by the governor and shall hold office commencing July 1, 1972,
1 8 for four years and until their successors are appointed,
1 9 except that three initial appointees shall be appointed for
1 10 two-year terms and four initial appointees shall be appointed
1 11 for four-year terms. The members of the council shall be
1 12 persons who are qualified by experience or training to provide
1 13 a broad or specialized expertise on matters pertaining to
1 14 building construction. At least one of the members shall be
1 15 a journeyman member of the building trades, one member shall
1 16 be a current member of the electrical examining board, and one
1 17 member shall be a current member of the plumbing and mechanical
1 18 systems board. Vacancies shall be filled in the same manner
1 19 as the original appointments.

1 20 EXPLANATION
1 21 The state building code advisory council is a seven-member
1 22 council. The council advises and confers with the state
1 23 building code commissioner on matters relating to the state
1 24 building code. This bill provides that the membership of
1 25 the council must include a current member of the electrical
1 26 examining board and a current member of the plumbing and
1 27 mechanical systems board.

LSB 5154HH (3) 83

jr/nh



Iowa General Assembly
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House File 2104 - Introduced

HOUSE FILE
BY QUIRK

(COMPANION TO SF 2029)

A BILL FOR

1 An Act relating to property assessment and property taxation by
2 creating a recreational class of property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5121HH (1) 83
md/sc



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House File 2104 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.21, Code Supplement 2009, is amended
1 2 by adding the following new subsection:

1 3 NEW SUBSECTION. 13. a. (1) For valuations established
1 4 for the assessment year beginning January 1, 2011, property
1 5 described in this subsection shall be valued as a separate
1 6 class of property called recreational property and shall be
1 7 assessed at ninety percent of its actual value.

1 8 (2) For valuations established for the assessment year
1 9 beginning January 1, 2012, through valuations established for
1 10 the assessment year beginning January 1, 2014, recreational
1 11 property shall be valued as a separate class of property and
1 12 shall be assessed at a percentage of actual value equal to the
1 13 percentage of actual value that the recreational property was
1 14 assessed in the previous assessment year minus ten percentage
1 15 points.

1 16 (3) For valuations established for the assessment year
1 17 beginning January 1, 2015, and each assessment year thereafter,
1 18 recreational property shall be valued as a separate class of
1 19 property and shall be assessed at fifty percent of its actual
1 20 value.

1 21 b. Recreational property is subject to reassessment by the
1 22 assessor and is subject to the same equalization percentage
1 23 amount determined by the director of revenue pursuant to
1 24 section 441.49 as is ordered for commercial property.

1 25 c. For purposes of this subsection, "recreational
1 26 property" means a golf course, downhill skiing area, campground,
1 27 amusement park, or water theme park, if such property is
1 28 operated as a commercial enterprise and otherwise subject to
1 29 taxation.

1 30 EXPLANATION

1 31 This bill creates a new class of property, recreational
1 32 property, for purposes of property assessment and taxation,
1 33 beginning with valuations established on or after January 1,
1 34 2011. The bill describes recreational property as a golf
1 35 course, downhill skiing area, campground, amusement park, or



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House File 2104 - Introduced continued

2 1 water theme park, all of which are operated as a commercial
2 2 enterprise and are otherwise subject to taxation.

2 3 The bill provides that recreational property shall be
2 4 assessed for taxation at 90 percent of its actual value for
2 5 the assessment year beginning January 1, 2011. For valuations
2 6 established for the assessment year beginning January 1,
2 7 2012, through valuations established for the assessment
2 8 year beginning January 1, 2014, recreational property shall
2 9 be assessed at a percentage of actual value equal to the
2 10 percentage of actual value that the recreational property was
2 11 assessed in the previous assessment year minus 10 percentage
2 12 points.

2 13 For valuations established for the assessment year beginning
2 14 January 1, 2015, and each assessment year thereafter,
2 15 recreational property shall be assessed at 50 percent of its
2 16 actual value.

LSB 5121HH (1) 83

md/sc



Iowa General Assembly
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House Joint Resolution 2002 - Introduced

HOUSE JOINT RESOLUTION

BY PAULSEN, LUKAN,
ROBERTS, SANDS,
DOLECHECK, S. OLSON,
HELLAND, RANTS,
SWEENEY, SCHULTE,
STRUYK, WINDSCHITL,
BAUDLER, HUSEMAN,
ARNOLD, HORBACH, MAY,
SCHULTZ, SORENSON, L.
MILLER, FORRISTALL,
HEATON, TJEPKES,
UPMEYER, RAECKER,
SODERBERG, RAYHONS,
DRAKE, WATTS, DE BOEF,
ALONS, TYMESON,
GRASSLEY, DEYOE,
PETTENGILL, WORTHAN,
WAGNER, COWNIE, VAN
ENGELENHOVEN,
KAUFMANN, ANDERSON,
HAGENOW, KOESTER, and
CHAMBERS

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to labor union membership.
3 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5568YH (2) 83
ec/rj



**Iowa General Assembly
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House Joint Resolution 2002 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:
1 3 The Constitution of the State of Iowa is amended by adding
1 4 the following new sections to new Article XIII:
1 5 ARTICLE XIII
1 6 LABOR UNION MEMBERSHIP
1 7 Right to join union.SECTION 1. It is declared to
1 8 be the policy of the state of Iowa that no person within
1 9 its boundaries shall be deprived of the right to work at
1 10 the person's chosen occupation for any public or private
1 11 employer because of membership in, affiliation with,
1 12 withdrawal or expulsion from, or refusal to join, any labor
1 13 union, organization, or association, and any contract which
1 14 contravenes this policy is illegal and void.
1 15 Refusal to employ prohibited.SECC. 2. It shall be unlawful
1 16 for any person, firm, association, or corporation to refuse
1 17 or deny public or private employment to any person because
1 18 of membership in, or affiliation with, or resignation or
1 19 withdrawal from, a labor union, organization, or association,
1 20 or because of refusal to join or affiliate with a labor union,
1 21 organization, or association.
1 22 Contracts to exclude unlawful.SECC. 3. It shall be unlawful
1 23 for any person, firm, association, corporation, or labor
1 24 organization to enter into any understanding, contract, or
1 25 agreement, whether written or oral, to exclude from public or
1 26 private employment members of a labor union, organization, or
1 27 association, or persons who do not belong to, or who refuse to
1 28 join, a labor union, organization, or association, or because
1 29 of resignation or withdrawal therefrom.
1 30 Union dues as prerequisite to employment == prohibited.SECC.
1 31 4. It shall be unlawful for any person, firm, association,
1 32 labor organization, corporation, or political subdivision,
1 33 either directly or indirectly, or in any manner or by any
1 34 means as a prerequisite to or a condition of public or private
1 35 employment, to require any person to pay dues, charges, fees,



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House Joint Resolution 2002 - Introduced continued

2 1 contributions, fines, or assessments to any labor union, labor
2 2 association, or labor organization.
2 3 Deducting dues from pay unlawful. SEC. 5. It shall be
2 4 unlawful for any person, firm, association, labor organization,
2 5 or corporation to deduct labor organization dues, charges,
2 6 fees, contributions, fines, or assessments from a public or
2 7 private employee's earnings, wages, or compensation, unless the
2 8 public or private employer has first been presented with an
2 9 individual written order therefor signed by the employee, which
2 10 written order shall be terminable at any time by the employee
2 11 giving at least thirty days' written notice of such termination
2 12 to the employer.

2 13 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
2 14 amendment to the Constitution of the State of Iowa is referred
2 15 to the General Assembly to be chosen at the next general
2 16 election for members of the General Assembly and the Secretary
2 17 of State is directed to cause it to be published for three
2 18 consecutive months previous to the date of that election as
2 19 provided by law.

2 20 EXPLANATION

2 21 This joint resolution proposes an amendment to the
2 22 Constitution of the State of Iowa relating to labor union
2 23 membership. The joint resolution proposes incorporating
2 24 current Code sections 731.1 through 731.5 into the Iowa
2 25 Constitution. The resolution provides that a person shall not
2 26 be deprived of the right to work for any public or private
2 27 employer because of membership in, or refusal to join, a labor
2 28 union. The resolution also prohibits requiring the payment of
2 29 union dues or the deduction of union dues from a person's pay
2 30 as a prerequisite for employment.

2 31 The resolution, if adopted, would be referred to the next
2 32 general assembly for adoption a second time before being
2 33 submitted to the electorate for ratification.

LSB 5568YH (2) 83

ec/rj



Iowa General Assembly
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House Joint Resolution 2003 - Introduced

HOUSE JOINT RESOLUTION
BY ALONS, CHAMBERS,
TYMESON, MAY, KOESTER,
WINDSCHITL, SCHULTZ,
DE BOEF, SORENSON,
SWEENEY, HUSEMAN,
KAUFMANN, RAYHONS,
HAGENOW, MERTZ, and
SODERBERG

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to specify that the right to life is
3 the paramount and most fundamental right of every person,
4 and that personhood applies to all human beings from the
5 beginning of their biological development.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5131YH (7) 83
pf/rj



Iowa General Assembly
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House Joint Resolution 2003 - Introduced continued

PAG LIN

1 1 Section 1. The following amendment to the Constitution of
1 2 the State of Iowa is proposed:

1 3 Section 1 of Article I of the Constitution of the State of
1 4 Iowa, as amended by amendment number 1 of the Amendments of
1 5 1998, is amended to read as follows:

1 6 Rights of persons. SECTION 1.

1 7 1. All men and women are, by nature, free and equal, and
1 8 have certain inalienable rights == among which are those of
1 9 enjoying and defending life and liberty, acquiring, possessing
1 10 and protecting property, and pursuing and obtaining safety and
1 11 happiness.

1 12 2. The right to life is the paramount and most fundamental
1 13 right of every person.

1 14 3. With respect to the fundamental and inalienable rights
1 15 of all persons guaranteed in this Constitution, the word
1 16 "person" applies to all human beings, irrespective of age,
1 17 health, function, physical or mental dependency, or method of
1 18 reproduction, whether in vivo or in vitro, from the beginning
1 19 of their biological development, including the single-cell
1 20 human embryo.

1 21 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
1 22 amendment to the Constitution of the State of Iowa is referred
1 23 to the General Assembly to be chosen at the next general
1 24 election for members of the General Assembly, and the Secretary
1 25 of State is directed to cause the proposed amendment to be
1 26 published for three consecutive months previous to the date of
1 27 that election as provided by law.

1 28 EXPLANATION

1 29 This joint resolution proposes an amendment to the
1 30 Constitution of the State of Iowa specifying that the
1 31 right to life is the paramount and most fundamental right
1 32 of every person, and that with respect to the fundamental
1 33 and inalienable rights of all persons guaranteed in the
1 34 Constitution, the word "person" applies to all human beings,
1 35 irrespective of age, health, function, physical or mental



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House Joint Resolution 2003 - Introduced continued

2 1 dependency, or method of reproduction, whether in vivo or in
2 2 vitro, from the beginning of their biological development,
2 3 including the single-cell human embryo.
2 4 The resolution, if adopted, would be referred to the next
2 5 general assembly for adoption, before being submitted to the
2 6 electorate for ratification.

LSB 5131YH (7) 83

pf/rj



Iowa General Assembly
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House Resolution 103 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY ZIRKELBACH

1 1 A Resolution honoring Iowa's military veterans.
1 2 WHEREAS, for over 160 years Iowans have stepped
1 3 forward at their country's call; and
1 4 WHEREAS, from Pea Ridge to the Argonne, from the
1 5 Sunda Straits to the Yalu, from Pleiku to the desolate
1 6 mountains of Afghanistan, all over the world Iowans
1 7 serving in the military have shed their blood and given
1 8 their lives; and
1 9 WHEREAS, in times of peace Iowa soldiers and sailors
1 10 fought natural disasters and rescued the victims of
1 11 those disasters, without regard to personal hardship
1 12 and danger; and
1 13 WHEREAS, when they return home these veterans bring
1 14 with them a can-do spirit and a sense of public service
1 15 that has made Iowa a great place to live, to work, and
1 16 to raise a family; NOW THEREFORE,
1 17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 18 on behalf of all Iowans the House of Representatives
1 19 honors and commemorates the service and sacrifice of
1 20 Iowa's soldiers, airmen and airwomen, sailors, marines,
1 21 and coast guard members and thanks them for their
1 22 service to America.

LSB 6028HH (3) 83

jr/rj



Iowa General Assembly
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House Study Bill 587

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF NATURAL RESOURCES
BILL)

A BILL FOR

1 An Act regarding matters under the purview of the department of
2 natural resources.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5272DP (5) 83
rn/rj



Iowa General Assembly
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House Study Bill 587 continued

PAG LIN

1 1 Section 1. Section 17A.7, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. An interested person may petition an agency requesting
1 4 the adoption, amendment, or repeal of a rule. Each agency
1 5 shall prescribe by rule the form for petitions and the
1 6 procedure for their submission, consideration, and disposition.
1 7 a. Within sixty days after submission of a petition, the
1 8 agency either shall deny the petition in writing on the merits,
1 9 stating its reasons for the denial, or initiate rulemaking
1 10 proceedings in accordance with section 17A.4, or issue a rule
1 11 if it is not required to be issued according to the procedures
1 12 of section 17A.4, subsection 1.
1 13 b. Notwithstanding the sixty-day-response-period
1 14 requirement specified in paragraph "a", the department of
1 15 natural resources, the environmental protection commission, or
1 16 the natural resource commission, shall respond to a petition
1 17 requesting the adoption, amendment, or repeal of a rule within
1 18 one hundred twenty days after submission of a petition.
1 19 Sec. 2. Section 455B.152, subsection 2, Code 2009, is
1 20 amended by adding the following new paragraph:
1 21 NEW PARAGRAPH. c. The department shall coordinate the data
1 22 collection with the United States environmental protection
1 23 agency upon the enactment of a federal mandatory greenhouse gas
1 24 emission reporting rule.
1 25 Sec. 3. Section 455B.851, subsection 9, Code 2009, is
1 26 amended to read as follows:
1 27 9. By ~~September 1~~ December 31 of each year, the department
1 28 shall submit a report to the governor and the general assembly
1 29 regarding the greenhouse gas emissions in the state during
1 30 the previous calendar year and forecasting trends in such
1 31 emissions. ~~The first submission by the department shall be~~
1 32 ~~filed by September 1, 2008, for the calendar year beginning~~
1 33 ~~January 1, 2007.~~
1 34 Sec. 4. Section 456A.17, Code 2009, is amended to read as
1 35 follows:



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House Study Bill 587 continued

2 1 456A.17 Funds == restrictions.
2 2 1. The following four funds are created in the state
2 3 treasury:
2 4 ~~1.~~ a. A state fish and game protection fund.
2 5 ~~2.~~ b. A state conservation fund.
2 6 ~~3.~~ c. An administration fund.
2 7 ~~4.~~ d. A county conservation board fund.
2 8 2. The state fish and game protection fund, except as
2 9 otherwise provided, consists of all moneys accruing from
2 10 license fees and all other sources of revenue arising under the
2 11 fish and wildlife programs. Notwithstanding section 12C.7,
2 12 subsection 2, interest or earnings on investments or time
2 13 deposits of the moneys in the state fish and game protection
2 14 fund shall be credited to that fund.
2 15 3. The county conservation board fund consists of all moneys
2 16 credited to it by law or appropriated to it by the general
2 17 assembly.
2 18 4. The conservation fund, except as otherwise provided,
2 19 consists of all other funds accruing to the department for the
2 20 purposes embraced by this chapter.
2 21 5. The administration fund shall consist of an equitable
2 22 portion of the gross amount of the state fish and game
2 23 protection fund and the state conservation fund, to be
2 24 determined by the commission, sufficient to pay the expense of
2 25 administration entailed by this chapter.
2 26 6. All receipts and refunds and reimbursements related to
2 27 activities funded by the administration fund are appropriated
2 28 to the administration fund. All refunds and reimbursements
2 29 relating to activities of the state fish and game protection
2 30 fund shall be credited to the state fish and game protection
2 31 fund.
2 32 7. Notwithstanding section 8.33, revenues deposited
2 33 in the state conservation fund, and remaining in the state
2 34 conservation fund on June 30 of any fiscal year shall not
2 35 revert to the general fund of the state but shall remain



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House Study Bill 587 continued

3 1 available for expenditure for one year after the close of the
3 2 fiscal year during which such revenues were deposited. Any
3 3 such revenues remaining unexpended at the end of the one-year
3 4 period during which the revenues are available for expenditure
3 5 shall revert to the general fund of the state.
3 6 8. The department may apply for a loan for the construction
3 7 of facilities for the collection and treatment of waste water
3 8 and for the supply, treatment, and distribution of drinking
3 9 water under the state water pollution control works and
3 10 drinking water facilities financing program as established in
3 11 sections 455B.291 through 455B.299. In order to provide for
3 12 the repayment of a loan granted under the financing program,
3 13 the commission may impose a lien on not more than ten percent
3 14 of the annual revenues from user fees and related revenue
3 15 derived from park and recreation areas under chapter 461A
3 16 which are deposited in the state conservation fund. If a lien
3 17 is established as provided in this paragraph, repayment of
3 18 the loan is the first priority on the revenues received and
3 19 dedicated for the loan repayment each year.

3 20 EXPLANATION

3 21 This bill makes specified changes regarding matters within
3 22 the purview of the department of natural resources.
3 23 The bill expands the current 60-day time period specified
3 24 in Code chapter 17A within which an agency must respond to
3 25 a petition requesting the adoption, amendment, or repeal of
3 26 an administrative rule to 120 days, but only for petitions
3 27 submitted to the department of natural resources, the
3 28 environmental protection commission, or the natural resource
3 29 commission.
3 30 The bill directs the department to coordinate the collection
3 31 of data from greenhouse gas producers, as required in Code
3 32 section 455B.152, with the United States environmental
3 33 protection agency upon enactment by the agency of a federal
3 34 mandatory greenhouse gas emissions reporting rule, and changes
3 35 the date by which the department is required to submit a report



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House Study Bill 587 continued

4 1 to the governor and the general assembly regarding greenhouse
4 2 gas emissions in the state from September 1 to December 31
4 3 annually.

4 4 The bill additionally authorizes the department to apply
4 5 for loans for the construction of facilities for the supply,
4 6 treatment, and distribution of drinking water pursuant to
4 7 the state water pollution control works and drinking water
4 8 facilities financing program. Code section 456A.17 currently
4 9 authorizes such loans with regard to the construction of
4 10 facilities for the collection and treatment of waste water.

LSB 5272DP (5) 83

rn/rj



Iowa General Assembly
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House Study Bill 588

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LABOR BILL BY
CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to choice of medical care by members of the
2 municipal police and fire retirement system who are injured
3 in the line of duty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5128YC (4) 83
av/rj



Iowa General Assembly
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House Study Bill 588 continued

PAG LIN

1 1 Section 1. Section 411.15, Code 2009, is amended to read as
1 2 follows:

1 3 411.15 Hospitalization and medical attention.

1 4 Cities shall provide hospital, nursing, and medical
1 5 attention for the members of the police and fire departments
1 6 of the cities, when injured while in the performance of their
1 7 duties as members of such department, and shall continue to
1 8 provide hospital, nursing, and medical attention for injuries
1 9 or diseases incurred while in the performance of their duties
1 10 for members receiving a retirement allowance under section
1 11 411.6, subsection 6. Members receiving hospital, nursing, and
1 12 medical attention pursuant to this section shall have the right
1 13 to choose the care. Cities may fund the cost of the hospital,
1 14 nursing, and medical attention required by this section through
1 15 the purchase of insurance, by self-insuring the obligation, or
1 16 through payment of moneys into a local government risk pool
1 17 established for the purpose of covering the costs associated
1 18 with the requirements of this section. However, the cost of
1 19 the hospital, nursing, and medical attention required by this
1 20 section shall not be funded through an employee-paid health
1 21 insurance policy. The cost of the hospital, nursing, and
1 22 medical attention required by this section shall be paid from
1 23 moneys held in a trust and agency fund established pursuant to
1 24 section 384.6, or out of the appropriation for the department
1 25 to which the injured person belongs or belonged; provided that
1 26 any amounts received by the injured person from any other
1 27 source for such specific purposes, shall be deducted from the
1 28 amount paid by the city under the provisions of this section.

1 29 EXPLANATION

1 30 This bill amends Code section 411.15 to specify that members
1 31 of the municipal police and fire retirement system who are
1 32 injured while in the performance of their duties and need
1 33 medical attention have the right to choose the care provided.

LSB 5128YC (4) 83

av/rj



Iowa General Assembly
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House Study Bill 589

HOUSE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

A BILL FOR

- 1 An Act relating to mediation in domestic relations actions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5712HC (2) 83
pf/nh



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House Study Bill 589 continued

PAG LIN

1 1 Section 1. Section 598.7, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. The district court may, on its own motion or on the
1 4 motion of any party, order the parties to participate in
1 5 mediation in any dissolution of marriage action or other
1 6 domestic relations action and shall order the parties to
1 7 participate in mediation in any dissolution of marriage action
1 8 or other domestic relations action in which the welfare of
1 9 a minor child of the parties may be affected. Mediation
1 10 performed under this section shall comply with the provisions
1 11 of chapter 679C. The provisions of this section shall not
1 12 apply if the action involves a child support or medical support
1 13 obligation enforced by the child support recovery unit. The
1 14 provisions of this section shall not apply to actions which
1 15 involve domestic abuse pursuant to chapter 236. The provisions
1 16 of this section shall not affect a judicial district's or
1 17 court's authority to order settlement conferences pursuant to
1 18 rules of civil procedure. The court shall, on application
1 19 of a party, grant a waiver from any court-ordered mediation
1 20 under this section if the party demonstrates that a history
1 21 of domestic abuse exists as specified in section 598.41,
1 22 subsection 3, paragraph "j".

1 23 EXPLANATION

1 24 This bill directs the district court to order the parties in
1 25 any dissolution of marriage action or other domestic relations
1 26 action, in which the welfare of a minor child of the parties
1 27 may be affected, to participate in mediation. Current law
1 28 provides that the mediation shall comply with the provisions
1 29 of Code chapter 679C, the uniform mediation Act, and that the
1 30 ordered mediation does not apply if the action involves a child
1 31 support or medical support obligation enforced by the child
1 32 support recovery unit; the action involves domestic abuse; or
1 33 on application of a party, if the party demonstrates that a
1 34 history of domestic abuse exists.

LSB 5712HC (2) 83

pf/nh



Iowa General Assembly
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House Study Bill 590

HOUSE FILE

BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

A BILL FOR

1 An Act requiring health insurance coverage for costs relating
2 to mental health conditions, including alcohol or substance
3 abuse treatment services costs, and requiring coordination
4 of services to maximize access to mental health and
5 substance abuse treatment for veterans, and including
6 effective date provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5514HC (7) 83

av/rj



Iowa General Assembly
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House Study Bill 590 continued

PAG LIN

1 1 Section 1. Section 135H.3, subsection 2, Code Supplement
1 2 2009, is amended to read as follows:
1 3 2. If a child is diagnosed with a ~~biologically based~~
1 4 ~~mental illness~~ mental health condition as defined in section
1 5 ~~514C.22~~ 514C.26 and meets the medical assistance program
1 6 criteria for admission to a psychiatric medical institution for
1 7 children, the child shall be deemed to meet the acuity criteria
1 8 for medically necessary inpatient benefits under a group
1 9 policy, contract, or plan providing for third-party payment or
1 10 prepayment of health, medical, and surgical coverage benefits
1 11 issued by a carrier, as defined in section 513B.2, or by an
1 12 organized delivery system authorized under 1993 Iowa Acts,
1 13 ch. 158, that is subject to section ~~514C.22~~ 514C.26. ~~Such~~
1 14 ~~medically necessary benefits shall not be excluded or denied as~~
1 15 ~~care that is substantially custodial in nature under section~~
1 16 ~~514C.22, subsection 8, paragraph "b".~~
1 17 Sec. 2. NEW SECTION. 514C.26 Equality in health care
1 18 coverage and veterans wellness Act.
1 19 1. This section shall be known and may be cited as the
1 20 "Equality in Health Care Coverage and Veterans Wellness Act".
1 21 2. For purposes of this section, unless the context
1 22 otherwise requires:
1 23 a. "Mental health condition" means a condition or disorder
1 24 involving mental illness or alcohol or substance abuse as
1 25 defined by the commissioner of insurance by rule, consistent
1 26 with the diagnostic categories listed in the mental disorders
1 27 section of the most recent version of the diagnostic and
1 28 statistical manual of mental disorders of the American
1 29 psychiatric association.
1 30 b. "Rates, terms, and conditions" means any lifetime
1 31 payment limits, deductibles, copayments, coinsurance, and any
1 32 other cost-sharing requirements, out-of-pocket limits, visit
1 33 limitations, and any other financial component of benefits
1 34 coverage that affects the covered individual.
1 35 3. a. Notwithstanding the uniformity of treatment



**Iowa General Assembly
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House Study Bill 590 continued

2 1 requirements of section 514C.6, a policy, contract, or plan
2 2 providing for third-party payment or prepayment of health or
2 3 medical expenses shall provide coverage benefits for mental
2 4 health conditions based on rates, terms, and conditions which
2 5 are no more restrictive than the rates, terms, and conditions
2 6 for coverage benefits provided for other health or medical
2 7 conditions under the policy, contract, or plan. Additionally,
2 8 any rates, terms, and conditions involving deductibles,
2 9 copayments, coinsurance, and any other cost-sharing
2 10 requirements shall be cumulative for coverage of both mental
2 11 health conditions and other health or medical conditions under
2 12 the policy, contract, or plan.
2 13 b. Coverage required under this subsection shall be as
2 14 follows:
2 15 (1) For the treatment of mental illness, coverage shall be
2 16 for services provided by a licensed mental health professional,
2 17 as defined in section 228.1, or services provided in a licensed
2 18 hospital or health facility.
2 19 (2) For the treatment of alcohol or substance abuse,
2 20 coverage shall be for services provided by a substance abuse
2 21 treatment and rehabilitation facility, as licensed by the
2 22 department of public health pursuant to chapter 125.
2 23 4. This section applies to the following classes of
2 24 third-party payment provider policies, contracts, or plans
2 25 delivered, issued for delivery, continued, or renewed in this
2 26 state on or after July 1, 2011:
2 27 a. Individual or group accident and sickness insurance
2 28 providing coverage on an expense-incurred basis.
2 29 b. An individual or group hospital or medical service
2 30 contract issued pursuant to chapter 509, 514, or 514A.
2 31 c. A plan established pursuant to chapter 509A for public
2 32 employees.
2 33 d. An individual or group health maintenance organization
2 34 contract regulated under chapter 514B.
2 35 e. Any other entity engaged in the business of insurance,



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3 1 risk transfer, or risk retention, which is subject to the
3 2 jurisdiction of the commissioner of insurance.

3 3 f. An organized delivery system licensed by the director of
3 4 public health.

3 5 5. The division of mental health and disability services of
3 6 the department of human services and the division of behavioral
3 7 health of the department of public health shall coordinate with
3 8 the Iowa department of veterans affairs to maximize access to
3 9 mental health and substance abuse treatment for veterans.

3 10 6. This section shall not apply to accident-only, specified
3 11 disease, short-term hospital or medical, hospital confinement
3 12 indemnity, credit, dental, vision, Medicare supplement,
3 13 long-term care, basic hospital and medical-surgical expense
3 14 coverage as defined by the commissioner of insurance,
3 15 disability income insurance coverage, coverage issued as a
3 16 supplement to liability insurance, workers' compensation or
3 17 similar insurance, or automobile medical payment insurance.

3 18 Sec. 3. REPEAL. Section 514C.22, Code 2009, is repealed
3 19 effective July 1, 2011.

3 20 Sec. 4. EFFECTIVE DATE. The following provision of this Act
3 21 takes effect July 1, 2011:

3 22 1. Section 1 of this Act amending section 135H.3, subsection
3 23 2.

3 24 EXPLANATION

3 25 This bill creates new Code section 514C.26, entitled the
3 26 "Equality in Health Care Coverage and Veterans Wellness Act",
3 27 and provides that, effective July 1, 2011, a policy, contract,
3 28 or plan providing for third-party payment or prepayment of
3 29 health or medical expenses must provide coverage benefits for
3 30 mental health conditions based on rates, terms, and conditions
3 31 which are no more restrictive than the rates, terms, and
3 32 conditions associated with coverage benefits provided for
3 33 other conditions under the policy, contract, or plan. "Mental
3 34 health condition" means a condition or disorder involving
3 35 mental illness or alcohol or substance abuse as defined by



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4 1 the commissioner of insurance, by rule, consistent with the
4 2 diagnostic categories listed in the mental disorders section
4 3 of the most recent version of the diagnostic and statistical
4 4 manual of mental disorders of the American psychiatric
4 5 association.
4 6 The bill also requires the division of mental health and
4 7 disability services of the department of human services and
4 8 the division of behavioral health of the department of public
4 9 health to coordinate with the Iowa department of veterans
4 10 affairs to maximize access to mental health and substance abuse
4 11 treatment for veterans.
4 12 Code section 514C.22, which currently mandates coverage
4 13 for certain biologically based mental illnesses, is repealed
4 14 effective July 1, 2011.
4 15 Code section 135H.3 is amended to coordinate with new Code
4 16 section 514C.26, and the repeal of Code section 514C.22,
4 17 effective July 1, 2011.
LSB 5514HC (7) 83
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House Study Bill 591

HOUSE FILE

BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON PETERSEN)

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 5371HC (1) 83

av/sc



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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 5371HC (1) 83

av/sc



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HOUSE FILE

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

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 5361HC (3) 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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House Study Bill 592 continued

- 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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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 5361HC (3) 83

md/sc



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House Study Bill 593

HOUSE FILE

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

A BILL FOR

1 An Act relating to provisions authorizing sales and use tax
2 exemptions and refunds for a data center business, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5406YC (4) 83
rn/sc



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House Study Bill 593 continued

PAG LIN

1 1 Section 1. Section 423.3, subsection 95, paragraph e,
1 2 Code Supplement 2009, is amended by adding the following new
1 3 subparagraph:
1 4 NEW SUBPARAGRAPH. (3) "Rehabilitated" means a process
1 5 of substantial repair, remodeling, or alteration, which may
1 6 include but is not limited to upgrading mechanical systems,
1 7 plumbing, roofing, wiring, windows, heating and cooling
1 8 systems, and performing significant interior or exterior
1 9 structural modification. Although they may be included as part
1 10 of an overall rehabilitation project, singular actions such
1 11 as the installation of a new information system or cosmetic
1 12 changes to the interior or exterior appearance of a building do
1 13 not, in and of themselves, constitute a rehabilitated building.
1 14 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 15 immediate importance, takes effect upon enactment.

1 16 EXPLANATION

1 17 This bill relates to provisions authorizing sales and use
1 18 tax exemptions and refunds for data center businesses under
1 19 specified circumstances.
1 20 Code section 423.3, subsection 95, paragraph "e", defines a
1 21 "data center" to mean a building rehabilitated or constructed
1 22 for specified purposes. Currently, "rehabilitated" is
1 23 undefined. The bill defines "rehabilitated" to mean a process
1 24 of substantial repair, remodeling, or alteration, which may
1 25 include but is not limited to upgrading mechanical systems,
1 26 plumbing, roofing, wiring, windows, heating and cooling
1 27 systems, and performing significant interior or exterior
1 28 structural modification. The bill states that singular
1 29 actions such as the installation of a new information system or
1 30 cosmetic changes to the interior or exterior appearance of a
1 31 building shall not constitute a rehabilitated building.
1 32 The bill takes effect upon enactment.

LSB 5406YC (4) 83

rn/sc



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Senate Amendment 5013

PAG LIN

1 1 Amend Senate File 2062 as follows:
1 2 #1. Page 2, line 27, by striking <June 1> and
1 3 inserting <May 28>

STACI APPEL
LSB SF2062.172 (2) 83
ec/rj



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Senate File 2062 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB
3002)

A BILL FOR

1 An Act providing for a retirement incentive program for state
2 employees and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5589SV (11) 83
ec/rj



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Senate File 2062 - Introduced continued

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1 1 Section 1. 2010 STATE EMPLOYEE RETIREMENT INCENTIVE
1 2 PROGRAM.
1 3 1. Definitions. As used in this section, unless the context
1 4 provides otherwise:
1 5 a. "Eligible employee" means an employee or qualified
1 6 employee who has filed a completed application for benefits
1 7 with the Iowa public employees' retirement system created in
1 8 chapter 97B in which the employee's or qualified employee's
1 9 intended first month of entitlement, as defined in section
1 10 97B.1A, is no later than July 2010.
1 11 b. "Employee" means an employee, as defined by section
1 12 97B.1A, who is employed within the executive branch of this
1 13 state. However, "employee" does not mean a qualified employee,
1 14 an elected official, or an employee eligible for the sick leave
1 15 conversion program as described in section 70A.23, subsection
1 16 4.
1 17 c. "Employer" means a department, agency, board, or
1 18 commission of the state that employs individuals.
1 19 d. "Health insurance contribution benefit" means the amount
1 20 representing the monthly contribution cost of an affordable
1 21 group health care plan offered by the state, as determined by
1 22 the department of administrative services, providing coverage
1 23 to the participant and, if applicable, the participant's spouse
1 24 for the applicable period of coverage.
1 25 e. "Participant" means a person who timely submits an
1 26 election to participate, is accepted to participate, and does
1 27 participate, in the state employee retirement incentive program
1 28 established under this section.
1 29 f. "Program" means the state employee retirement incentive
1 30 program established under this section.
1 31 ff. "Qualified employee" means an employee of a judicial
1 32 district department of correctional services, an employee in
1 33 the office of a statewide elected official, or an employee of
1 34 the state board of regents if the board elects to participate
1 35 in the program.



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2 1 g. "Years of service incentive benefit" means an amount equal
2 2 to the entire value of an eligible employee's accumulated but
2 3 unused vacation plus, for eligible employees with at least
2 4 ten years of state employment service, one thousand dollars
2 5 for each year of state employment service up to a maximum of
2 6 twenty-five years of state employment service. For purposes
2 7 of this paragraph, "state employment service" means service, as
2 8 defined in section 97B.1A, for which the employer is the state.
2 9 2. Program eligibility. To become a participant in the
2 10 program, an eligible employee shall do all of the following:
2 11 a. Submit by April 15, 2010, a written application, on
2 12 forms prescribed by the department of administrative services,
2 13 seeking participation in the program.
2 14 b. Acknowledge in writing the eligible employee's agreement
2 15 to voluntarily terminate employment in exchange for the state
2 16 employee retirement incentive program as provided in this
2 17 section.
2 18 c. Agree to waive all rights to file suit against the state
2 19 of Iowa, including all of its departments, agencies, and other
2 20 subdivisions, based on state or federal claims arising out of
2 21 the employment relationship.
2 22 d. Acknowledge, in writing, that participation in the
2 23 program waives any right to accept any employment with the
2 24 state other than as an elected official on or after the date
2 25 the eligible employee separates from employment.
2 26 e. Agree to separate from employment with the state no later
2 27 than June 1, 2010.
2 28 3. Participant acceptance. An eligible employee shall be
2 29 accepted into the program if the department of administrative
2 30 services determines that the eligible employee meets the
2 31 requirements to be eligible to participate in the program.
2 32 4. Program benefits. Upon acceptance to participate in the
2 33 program and separation from employment with the state no later
2 34 than May 28, 2010, a participant shall receive the following
2 35 benefits:



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3 1 a. During September 2010, and each September thereafter for
3 2 a total of five years, the state shall pay to the participant,
3 3 or the participant's beneficiary, an amount equal to twenty
3 4 percent of the years of service incentive benefit for that
3 5 participant. Receipt of a years of service incentive benefit
3 6 pursuant to this section by a participant shall be in lieu
3 7 of receiving a payment for the participant's accumulated but
3 8 unused vacation upon termination of employment.

3 9 b. For the period of time commencing with the first month
3 10 in which a participant is ineligible for or exhausts the
3 11 participant's available remaining value of sick leave used
3 12 to pay the state share for the participant's continuation of
3 13 state group health insurance coverage as provided in section
3 14 70A.23, subsection 3, and ending five years from the date
3 15 the participant separates from employment with the state as
3 16 provided in this section, the participant, or the participant's
3 17 surviving spouse, shall be entitled to receive a health
3 18 insurance contribution benefit to be used by the participant
3 19 or the participant's beneficiary to pay the cost for eligible
3 20 state group health insurance. The department of administrative
3 21 services shall determine what health insurance plans constitute
3 22 eligible state group health insurance for purposes of this
3 23 paragraph "b".

3 24 5. Vacancies and reemployment.

3 25 a. An employer shall not fill a position vacancy created as
3 26 a result of participation in the program by an employee without
3 27 approval from the department of management.

3 28 b. An employer shall not offer permanent part-time
3 29 employment, permanent full-time employment, temporary
3 30 employment, or retention as an independent contractor to a
3 31 participant.

3 32 c. This section shall not preclude a participant from
3 33 membership on a board or commission.

3 34 6. Program administration and reporting.

3 35 a. The department of administrative services shall



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4 1 administer the program and shall adopt administrative rules
4 2 to administer the program. The department of administrative
4 3 services and the department of management may adopt rules on an
4 4 emergency basis under section 17A.4, subsection 3, and section
4 5 17A.5, subsection 2, paragraph "b", to implement this section
4 6 and the rules shall be effective immediately upon filing unless
4 7 a later date is specified in the rules.

4 8 b. Records of the Iowa public employees' retirement system
4 9 shall be released for the purposes of administering and
4 10 monitoring the program subject to the requirements of section
4 11 97B.17, subsection 5.

4 12 c. The department of administrative services, in
4 13 collaboration with the department of management, shall present
4 14 an interim report to the general assembly, including copies to
4 15 the legislative services agency and the fiscal committee of
4 16 the legislative council, by October 1, 2010, concerning the
4 17 operation of the program. The department shall also submit
4 18 an annual update concerning the program by October 1 of each
4 19 year for four years, commencing October 1, 2011. The reports
4 20 shall include information concerning the number of program
4 21 participants, the cost of the program including any payments
4 22 made to participants, the number of state employment positions
4 23 not filled pursuant to the program, and the number of positions
4 24 vacated by a program participant that have been refilled.

4 25 7. Legislative and judicial branch employees.

4 26 a. The legislative council may provide a retirement
4 27 incentive program for employees of the legislative branch
4 28 consistent with the program provided in this section for
4 29 executive branch employees. If the legislative council
4 30 provides an incentive program, the legislative council shall
4 31 collaborate with the department of administrative services to
4 32 establish the program as required under this section as nearly
4 33 as identical as possible to the program provided executive
4 34 branch employees under this section. The program provided
4 35 pursuant to this paragraph "a" shall establish the same time



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6 1 first month of entitlement of no later than July 2010 to
6 2 separate from service with the state and receive a benefit
6 3 under the program. To receive the incentive benefit, an
6 4 eligible employee must submit an application to participate
6 5 in the program by April 15, 2010, be accepted to participate
6 6 in the program by the departments of administrative services
6 7 and management, separate from state employment by May 28,
6 8 2010, and acknowledge the employee's ineligibility to return
6 9 to employment with the state.

6 10 The bill provides that the benefit provided to an eligible
6 11 employee who participates in the program is an amount equal to
6 12 the entire value of the eligible employee's accumulated but
6 13 unused vacation plus, if the employee has at least 10 years
6 14 of state employment, \$1,000 for each year of state employment
6 15 up to 25 years. The bill provides that this amount shall be
6 16 payable in five equal installments each year during September
6 17 beginning in September 2010. In addition, the bill provides
6 18 that a participant in the program, or the participant's
6 19 surviving spouse, shall receive a health insurance premium
6 20 benefit to pay the premium cost for eligible state group
6 21 health insurance for five years following the participant's
6 22 termination from state employment. However, the bill provides
6 23 that a participant shall receive the health insurance premium
6 24 benefit only when the participant is no longer eligible for,
6 25 or exhausts, the participant's available remaining value of
6 26 sick leave used to pay the state share for the participant's
6 27 continuation of state group health insurance coverage as
6 28 provided in Code section 70A.23, subsection 3.

6 29 The bill further provides that an employer shall not fill
6 30 vacancies created by employees participating in the program
6 31 except upon approval of the department of management. The
6 32 requirement that the department of management approve filling
6 33 a vacancy does not apply to vacancies within the offices of
6 34 statewide elective officials, a judicial district department
6 35 of correctional services, the state board of regents and its



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7 1 institutions, or the judicial or legislative branches. In
7 2 addition, the bill provides that an employer shall not hire a
7 3 participant in the program for any employment.
7 4 The bill takes effect upon enactment.

LSB 5589SV (11) 83

ec/rj



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Senate File 2063 - Introduced

SENATE FILE
BY RAGAN

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 5777SS (2) 83
pf/rj



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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 5777SS (2) 83

pf/rj



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Senate File 2064 - Introduced

SENATE FILE
BY DANDEKAR

A BILL FOR

1 An Act relating to the development and adoption of a student
2 acceleration policy for advanced learners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5329XS (3) 83
kh/nh



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Senate File 2064 - Introduced continued

PAG LIN

1 1 Section 1. Section 257.42, Code 2009, is amended to read as
1 2 follows:

1 3 257.42 Gifted and talented children ~~== programs ==~~ policy.

1 4 1. a. Boards of school districts, individually or jointly
1 5 with the boards of other school districts, shall annually
1 6 submit program plans for gifted and talented children programs
1 7 and budget costs to the department of education and to the
1 8 applicable gifted and talented children advisory council, if
1 9 an advisory council has been established, as provided in this
1 10 chapter.

1 11 b. The board of directors of each school district shall
1 12 adopt a student acceleration policy for advanced learners
1 13 that at a minimum includes the key components specified in
1 14 subsection 3, paragraph "d".

1 15 2. The parent or guardian of a pupil may request that a
1 16 gifted and talented children program be established for pupils
1 17 who qualify as gifted and talented children under section
1 18 257.44, including demonstrated achievement or potential ability
1 19 in a single subject area.

1 20 3. The department shall ~~employ~~ do the following:

1 21 a. ~~Employ~~ a consultant for gifted and talented children
1 22 programs.

1 23 ~~The department of education shall adopt~~

1 24 b. Adopt rules under chapter 17A relating to the
1 25 administration of ~~this section and~~ sections ~~257.42~~ 257.43
1 26 through 257.49. The rules shall prescribe the format of
1 27 program plans submitted under section 257.43 and shall require
1 28 that programs fulfill specified objectives. ~~The department~~
1 29 shall encourage

1 30 c. Encourage and assist school districts to provide programs
1 31 for gifted and talented children.

1 32 d. Develop and provide to school districts a model student
1 33 acceleration policy for advanced learners that includes but is
1 34 not limited to the following key components:

1 35 (1) Early admission to school.



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Senate File 2065 - Introduced

SENATE FILE
BY NOBLE

A BILL FOR

1 An Act relating to administration of a horizontal property
2 regime.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5063XS (8) 83
tm/nh



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1 1 Section 1. Section 499B.15, subsection 1, Code 2009, is
 1 2 amended to read as follows:
 1 3 1. The form of administration, indicating whether this
 1 4 shall be in charge of an administrator or of a board of
 1 5 administration, or otherwise, and specifying the powers, manner
 1 6 of removal, and, where proper, the compensation thereof. The
 1 7 developer of a newly established horizontal property regime
 1 8 shall not serve as the sole administrator of the regime after
 1 9 one year following the sale of the first apartment in the
 1 10 regime.

1 11 EXPLANATION
 1 12 This bill relates to administration of a horizontal property
 1 13 regime.
 1 14 Code chapter 499B regulates horizontal property regimes,
 1 15 which are buildings and property divided into apartments, also
 1 16 known as, and hereafter referred to as, "condominiums". The
 1 17 Code chapter regulates the collective administration of the
 1 18 regime. A condominium is one or more rooms occupying all or a
 1 19 part of a floor or floors in a building of one or more floors
 1 20 notwithstanding whether the condominium be intended for use or
 1 21 used as a residence, office, for the operation of any industry
 1 22 or business, or for any other use not prohibited by law.
 1 23 Currently, Code section 499B.15 provides requirements for
 1 24 bylaws of horizontal property regimes. The bill adds to the
 1 25 requirements that a developer of a newly established horizontal
 1 26 property regime shall not serve as the sole administrator of
 1 27 the regime after one year following the sale of the first
 1 28 condominium in the regime.

LSB 5063XS (8) 83
 tm/nh



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Senate File 2066 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act providing for the establishment of a school district
2 reorganization workgroup to redraw school district
3 boundaries following the 2010 federal decennial census.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5601XS (3) 83
kh/sc



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1 1 Section 1. DEPARTMENT OF EDUCATION == SCHOOL DISTRICT
1 2 REORGANIZATION WORKGROUP.
1 3 1. The department of education shall convene a workgroup to
1 4 utilize the 2010 United States Census Bureau population data
1 5 for Iowa to draw plans for school district boundaries designed
1 6 to improve student opportunity and achievement and attain
1 7 efficiencies in administration and operations.
1 8 a. The workgroup shall develop a preferred reorganization
1 9 plan and two alternative reorganization plans. Each plan
1 10 shall provide that each school district is wholly included
1 11 within a single congressional district established by the plan
1 12 enacted pursuant to chapter 42 following the 2010 federal
1 13 decennial census. The school districts shall be reasonably
1 14 compact in form. The school districts shall be composed of
1 15 contiguous territory and as nearly equal as practicable to the
1 16 ideal enrollment for the school districts, as determined using
1 17 evidence-based research methods. Consideration shall also be
1 18 given to student transportation times and costs and property
1 19 valuation. In general, reasonably compact districts are those
1 20 which are square, rectangular, or hexagonal in shape, and not
1 21 irregularly shaped, to the extent permitted by natural or
1 22 political boundaries.
1 23 b. The goal of the workgroup shall be to reduce the number
1 24 of school boards and administrators by correlating the number
1 25 of students enrolled in a school district to the geographic
1 26 size of the school district. The minimum enrollment for a
1 27 school district shall be one thousand students. The workgroup
1 28 may consider establishing a maximum enrollment for a school
1 29 district.
1 30 2. a. The director of the department of education shall
1 31 appoint members to the workgroup who represent communities,
1 32 education practitioners, education associations, and small,
1 33 medium, and large school districts throughout Iowa. The
1 34 membership shall include but not be limited to educational
1 35 technology and school transportation specialists, school



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2 1 business officials, a professional with experience or expertise
2 2 in state and local taxation matters, and other stakeholders as
2 3 appropriate. The workgroup shall also include four ex officio,
2 4 nonvoting legislative members. The legislative members are
2 5 two state senators, one appointed by the president of the
2 6 senate after consultation with the majority leader of the
2 7 senate, and one appointed by the minority leader of the senate
2 8 from their respective parties; and two state representatives,
2 9 one appointed by the speaker of the house of representatives
2 10 after consultation with the majority leader of the house of
2 11 representatives, and one appointed by the minority leader of
2 12 the house of representatives from their respective parties.
2 13 The legislative members shall serve for terms as provided in
2 14 section 69.16B.

2 15 b. The members of the workgroup are entitled to receive
2 16 reimbursement for actual expenses incurred while engaged in the
2 17 performance of official duties.

2 18 c. The workgroup shall elect a chairperson from among its
2 19 members. A majority of the workgroup constitutes a quorum and
2 20 an affirmative vote of the majority of the voting members is
2 21 necessary to approve the recommendations of the workgroup. A
2 22 vacancy in the membership does not impair the right of a quorum
2 23 to exercise all rights and perform all duties of the workgroup.

2 24 3. The workgroup shall submit the plans and its findings and
2 25 recommendations, including any recommendations for statutory
2 26 changes, to the general assembly and the governor by December
2 27 1, 2011.

EXPLANATION

2 29 This bill directs the department of education to convene a
2 30 workgroup to utilize the 2010 U.S. Census Bureau population
2 31 data for Iowa to draw plans for school districts boundaries
2 32 designed to improve student opportunity and achievement and
2 33 attain efficiencies in administration and operations.

2 34 The workgroup shall develop a preferred reorganization plan
2 35 and two alternative reorganization plans. Under any plan,



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3 1 each school district must be wholly included within a single
3 2 congressional district, be composed of contiguous territory
3 3 and as nearly equal as practicable to the ideal enrollment for
3 4 the school districts, and consideration must given to student
3 5 transportation times and costs, and property valuation. School
3 6 districts shall be reasonably compact in form.

3 7 The goal of the workgroup shall be to reduce the number
3 8 of school boards and administrators by linking the number of
3 9 students enrolled in a school district to the geographic size
3 10 of the school district. The minimum enrollment for a school
3 11 district shall be 1,000 students and the workgroup may consider
3 12 establishing a maximum enrollment number.

3 13 The director of the department of education shall appoint
3 14 members to the workgroup who represent communities, education
3 15 practitioners, education associations, and small, medium,
3 16 and large school districts throughout Iowa. The membership
3 17 shall include but not be limited to educational technology and
3 18 school transportation specialists, school business officials, a
3 19 professional with experience or expertise in state and local
3 20 taxation matters, and other stakeholders as appropriate.

3 21 The workgroup shall also include four ex officio, nonvoting
3 22 legislative members.

3 23 The workgroup shall submit the plans and its findings and
3 24 recommendations, including any recommendations for statutory
3 25 changes, to the general assembly and the governor by December
3 26 1, 2011.

LSB 5601XS (3) 83

kh/sc



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Senate File 2067 - Introduced

SENATE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB
3006)

A BILL FOR

1 An Act relating to ethics regulations for the executive branch,
2 legislative branch, and local officials and employees and
3 including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5304SV (18) 83

tm/rj



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1 1 Section 1. Section 17A.2, subsection 11, Code 2009, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. 1. An advisory opinion of the Iowa ethics
1 4 and campaign disclosure board.

1 5 Sec. 2. Section 68B.3, subsection 1, Code 2009, is amended
1 6 to read as follows:

1 7 1. ~~An~~ Except as part of official state duties, an official,
1 8 a state employee, a member of the general assembly, or a
1 9 legislative employee shall not sell, in any one occurrence,
1 10 any goods or services having a value in excess of two thousand
1 11 dollars to any state agency unless the sale is made pursuant to
1 12 an award or contract let after public notice and competitive
1 13 bidding.

1 14 Sec. 3. Section 68B.3, Code 2009, is amended by adding the
1 15 following new subsection:

1 16 NEW SUBSECTION. 5. Except when performing official state
1 17 duties, an official or a state employee making a permissible
1 18 sale under this section shall file a report with the board
1 19 within twenty days of making the sale. The report shall
1 20 include but not be limited to the parties to the sale, the date
1 21 of the sale, the total amount of the sale, and the type of goods
1 22 or services being sold.

1 23 Sec. 4. Section 68B.32A, subsections 5 and 9, Code
1 24 Supplement 2009, are amended to read as follows:

1 25 5. Receive and file registration all registrations and
1 26 reports from lobbyists of the executive branch of state
~~1 27 government, client disclosure from clients of lobbyists of~~
~~1 28 the executive branch of state government, personal financial~~
~~1 29 disclosure information from officials and employees in the~~
~~1 30 executive branch of state government who are required to~~
~~1 31 file personal financial disclosure information under that~~
1 32 are required to be filed with the board under this chapter,
~~1 33 and gift and bequest disclosure information pursuant~~
~~1 34 to or~~ section 8.7. The board, upon its own motion, may
1 35 initiate action, and ~~conduct a hearing~~ hearings, impose



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2 1 sanctions, and order administrative resolutions relating to
2 2 reporting requirements under this chapter or section 8.7.
2 3 9. Establish and impose penalties, and recommendations
2 4 for punishment of persons who are subject to penalties of or
2 5 punishment by the board or by other bodies, for the failure to
2 6 comply with the requirements of this chapter, chapter 68A, or
2 7 section 8.7. Unless the imposition of the penalty is waived
2 8 by the board or is otherwise reversed on judicial review, the
2 9 board shall receive and retain ten percent of any civil penalty
2 10 imposed by the board which shall be considered repayment
2 11 receipts as defined in section 8.2.

2 12 Sec. 5. Section 68B.32A, Code Supplement 2009, is amended by
2 13 adding the following new subsection:

2 14 NEW SUBSECTION. 19. Impose penalties upon, or refer matters
2 15 relating to, persons who provide false information to the board
2 16 during a board investigation of a potential violation of this
2 17 chapter, chapter 68A, section 8.7, or rules of the board. The
2 18 board shall adopt rules to administer this subsection.

2 19 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 20 immediate importance, takes effect upon enactment.

2 21 EXPLANATION

2 22 This bill relates to ethics regulations for the executive
2 23 branch, legislative branch, and local officials and employees.

2 24 The bill adds an opinion of the ethics and campaign
2 25 disclosure board to the list of exceptions that are not
2 26 considered an administrative rule under the definition of
2 27 "rule" as defined in Code chapter 17A.

2 28 Currently, there are restrictions on the ability of an
2 29 official, a state employee, a member of the general assembly,
2 30 or a legislative employee to sell goods or services of a
2 31 certain value to any state agency unless the sale is made
2 32 pursuant to an award or contract let after public notice and
2 33 competitive bidding. The bill provides that an official,
2 34 a state employee, a member of the general assembly, or a
2 35 legislative employee may sell such goods or services if the



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3 1 sale is conducted as part of the official duties of the person.
3 2 The bill also provides that an official or an employee of the
3 3 executive branch making such a sale shall file a report with
3 4 the ethics and campaign disclosure board within 20 days of
3 5 making the sale.

3 6 The bill provides that the ethics and campaign disclosure
3 7 board shall receive all registrations and reports required to
3 8 be filed with the board under Code chapter 68B and Code section
3 9 8.7. The bill provides that the board, under its own motion,
3 10 may initiate action, conduct hearings, impose sanctions,
3 11 and order administrative resolutions relating to reporting
3 12 requirements.

3 13 The bill provides that the ethics and campaign disclosure
3 14 board may receive and retain 10 percent of any civil penalty
3 15 imposed by the board which shall be considered repayment
3 16 receipts.

3 17 The bill allows the ethics and campaign disclosure board to
3 18 impose penalties upon, or refer matters relating to, persons
3 19 who provide false information to the board during a board
3 20 investigation of a potential violation. The board is given
3 21 rulemaking authority to administer this penalty provision.

3 22 The bill takes effect upon enactment.

LSB 5304SV (18) 83

tm/rj



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Senate File 2068 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act relating to the use of genetic information and samples
2 for genetic testing and providing for civil enforcement.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5674XS (3) 83
av/nh



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1 1 Section 1. Section 729.6, subsection 1, Code 2009, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. bb. "Genetic information" means information
1 4 about genes, gene products, or inherited characteristics that
1 5 may derive from an individual or an individual's family member.
1 6 Sec. 2. Section 729.6, subsection 1, paragraph c, Code 2009,
1 7 is amended by striking the paragraph and inserting in lieu
1 8 thereof the following:
1 9 c. "Genetic testing" means the analysis of an individual's
1 10 deoxyribonucleic acid, ribonucleic acid, chromosomes,
1 11 proteins, and certain metabolites in order to detect heritable
1 12 disease-related genotypes, mutations, phenotypes, or karyotypes
1 13 for clinical purposes, including predicting risk of disease,
1 14 identifying carriers, and establishing prenatal and clinical
1 15 diagnosis or prognosis. "Genetic testing" includes prenatal,
1 16 newborn, and carrier screening, and testing in high-risk
1 17 families if a parent or guardian approves a release for such
1 18 screening or testing. "Genetic testing" includes tests for
1 19 metabolites if the tests are undertaken with high probability
1 20 that an excess or deficiency of the metabolite indicates the
1 21 presence of heritable mutations in single genes. "Genetic
1 22 testing" does not mean routine physical measurement, a routine
1 23 chemical, blood, or urine analysis, or a test for drugs or for
1 24 human immunodeficiency virus infections.
1 25 Sec. 3. Section 729.6, Code 2009, is amended by adding the
1 26 following new subsections:
1 27 NEW SUBSECTION. 2A. a. A person shall not obtain genetic
1 28 information or samples for genetic testing from an individual
1 29 without first obtaining informed and written consent from the
1 30 individual or the individual's authorized representative.
1 31 b. A person shall not perform genetic testing of an
1 32 individual or collect, retain, transmit, or use genetic
1 33 information without the informed and written consent of the
1 34 individual or the individual's authorized representative.
1 35 c. The following exceptions apply to the prohibitions in



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- 2 1 paragraphs "a" and "b":
- 2 2 (1) To the extent that genetic information or the results
- 2 3 of genetic testing may be collected, retained, transmitted,
- 2 4 or used without the individual's written and informed consent
- 2 5 pursuant to federal or other state law.
- 2 6 (2) To identify an individual in the course of a criminal
- 2 7 investigation by a law enforcement agency.
- 2 8 (3) To identify deceased individuals.
- 2 9 (4) To establish parental identity.
- 2 10 (5) To screen newborns.
- 2 11 (6) By medical repositories or registries.
- 2 12 (7) For the purposes of medical or scientific research and
- 2 13 education.
- 2 14 NEW SUBSECTION. 2B. a. (1) An insurance administrator,
- 2 15 health plan, or health insurer shall not release genetic
- 2 16 information pertaining to an individual without prior written
- 2 17 authorization of the individual. Written authorization shall
- 2 18 be required for each disclosure and shall include the person to
- 2 19 whom the disclosure is being made.
- 2 20 (2) The following exceptions apply to the requirement in
- 2 21 subparagraph (1):
- 2 22 (a) Individuals participating in research settings,
- 2 23 including individuals governed by the federal policy for the
- 2 24 protection of human research subjects.
- 2 25 (b) Tests conducted purely for research, tests for somatic
- 2 26 as opposed to heritable mutations, and testing for forensic
- 2 27 purposes.
- 2 28 (c) Newborn screening.
- 2 29 (d) Paternity testing.
- 2 30 (e) Criminal investigations.
- 2 31 b. (1) An insurer shall not discriminate against an
- 2 32 individual or a member of the individual's family on the basis
- 2 33 of genetic information or genetic testing.
- 2 34 (2) This section shall not require a health insurer to
- 2 35 provide particular benefits other than those provided under



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3 1 the terms of the insurer's plan or coverage. A health insurer
3 2 shall not consider a genetic propensity, susceptibility, or
3 3 carrier status as a preexisting condition for the purpose
3 4 of limiting or excluding benefits, establishing rates, or
3 5 providing coverage.

3 6 (3) An insurer shall not use genetic information or genetic
3 7 testing for underwriting health insurance in the individual and
3 8 group markets.

3 9 Sec. 4. Section 729.6, subsection 6, Code 2009, is amended
3 10 to read as follows:

3 11 6. This section may be enforced through a civil action.

3 12 a. A person who violates this section or who aids in
3 13 the violation of this section is liable to an aggrieved
3 14 insured, employee, labor organization member, or licensee, or
3 15 aggrieved prospective insured, employee, member, or licensee,
3 16 for affirmative relief including reinstatement or hiring,
3 17 with or without back pay, membership, licensing, or any other
3 18 equitable relief as the court deems appropriate including
3 19 attorney fees and court costs.

3 20 b. If a person commits, is committing, or proposes to
3 21 commit, an act in violation of this section, an injunction may
3 22 be granted through an action in district court to prohibit the
3 23 person from continuing such acts. The action for injunctive
3 24 relief may be brought by an aggrieved insured, employee, labor
3 25 organization member, or licensee, or aggrieved prospective
3 26 insured, employee, member, or licensee, the county attorney,
3 27 or the attorney general.

3 28 c. A person who in good faith brings an action under
3 29 this subsection alleging that an employer, employment agency,
3 30 labor organization, insurance administrator, health plan,
3 31 health insurer, or licensing agency has required or requested
3 32 a genetic test in violation of this section, obtained genetic
3 33 information or samples for genetic testing in violation of this
3 34 section, performed genetic testing or collected, retained,
3 35 transmitted, or used genetic information in violation of this



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4 1 section, or released genetic information in violation of this
4 2 section, shall establish that sufficient evidence exists upon
4 3 which a reasonable person could find that a violation has
4 4 occurred. Upon proof that sufficient evidence exists upon
4 5 which a finding could be made that a violation has occurred as
4 6 required under this paragraph, the employer, employment agency,
4 7 labor organization, insurance administrator, health plan,
4 8 health insurer, or licensing agency has the burden of proving
4 9 that the requirements of this section were met.

4 10 EXPLANATION

4 11 This bill amends Code section 729.6 concerning genetic
4 12 testing by adding a definition of "genetic information" and
4 13 revising the definition of what constitutes "genetic testing".

4 14 New Code section 729.6(2A) prohibits a person from obtaining
4 15 genetic information or samples for genetic testing from
4 16 an individual without first obtaining that individual's
4 17 informed and written consent. Exceptions to the consent
4 18 requirement are where federal or other state law provides
4 19 otherwise; to identify an individual in the course of a
4 20 criminal investigation by a law enforcement agency; to identify
4 21 deceased individuals; to establish parental identity; to screen
4 22 newborns; for medical repositories or registries; and for the
4 23 purposes of medical or scientific research and education.

4 24 New Code section 729.6(2B) prohibits insurance
4 25 administrators, health plans, and health insurers from
4 26 releasing genetic information without prior written
4 27 authorization or discriminating against an individual or a
4 28 member of an individual's family on the basis of genetic
4 29 information or genetic testing.

4 30 The provisions of the bill are enforceable through a civil
4 31 action brought by an aggrieved individual. Such an individual
4 32 may seek equitable and injunctive relief as well as attorney
4 33 fees and costs.

LSB 5674XS (3) 83

av/nh



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Senate File 2069 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act relating to the regulation of wetlands, mitigation of
2 adverse impacts to wetlands, providing penalties and fees,
3 and making an appropriation.

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

TLSB 5673XS (4) 83

tm/nh



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1 1 Section 1. NEW SECTION. 456B.21 Short title.
1 2 This subchapter shall be known and may be cited as the "Iowa
1 3 Wetlands Protection Act".
1 4 Sec. 2. NEW SECTION. 456B.22 Definitions.
1 5 As used in this subchapter, unless the context otherwise
1 6 requires:
1 7 1. "Creation" means the establishment of a wetland where
1 8 one did not formerly exist and involves wetland construction
1 9 on nonhydryc soils.
1 10 2. "Enhancement" means activities conducted in an existing
1 11 wetland to improve or repair its existing or natural wetland
1 12 functions and values.
1 13 3. "Fill material" means any material free of toxic
1 14 contaminants, other than trace amounts, used to fill an aquatic
1 15 area, replace an aquatic area with dry land, or change the
1 16 bottom elevation of a wetland for any purpose. "Fill material"
1 17 does not include any of the following:
1 18 a. Material resulting from normal farming, silviculture,
1 19 or ranching activities, such as plowing, cultivating, seeding,
1 20 or harvesting for the production of food, fiber, or forest
1 21 products.
1 22 b. Material used to maintain existing structures,
1 23 including emergency reconstruction of recently damaged
1 24 parts of serviceable structures such as dikes, dams, levees,
1 25 breakwaters, causeways, or bridge abutments or approaches, or
1 26 transportation structures.
1 27 4. "Filling" means adding fill material into a wetland
1 28 for the purpose of creating an upland, changing the bottom
1 29 elevation of the wetland, or creating impoundments of water.
1 30 5. "Function" means properties of wetlands that provide
1 31 ecological or economic benefits including but not limited
1 32 to flood flow alteration, groundwater recharge, groundwater
1 33 discharge, sediment and toxicant retention, nutrient removal or
1 34 transformation, wildlife and aquatic diversity and abundance,
1 35 uniqueness, and historical and recreational value. These



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2 1 functions can be evaluated using the wetland evaluation
2 2 technique developed by the United States army corps of
2 3 engineers or a similar technique developed by the department.
2 4 6. "Isolated wetland permit" means a permit obtained from
2 5 the department to engage in a regulated activity in an isolated
2 6 wetland.
2 7 7. "Isolated wetlands" means wetlands that meet all of the
2 8 following criteria:
2 9 a. The wetlands are inundated or saturated by surface or
2 10 groundwater at a frequency and duration sufficient to support,
2 11 and that under normal circumstances do support, a prevalence
2 12 of vegetation typically adapted for life in saturated soil
2 13 conditions and possess hydrophytic vegetation, hydric soils,
2 14 and wetland hydrology.
2 15 b. The wetlands do not have a surface water connection to
2 16 United States navigable waterways or as otherwise defined by
2 17 the United States army corps of engineers.
2 18 c. The wetlands are delineated in accordance with current
2 19 delineation specifications of the United States army corps of
2 20 engineers.
2 21 d. The wetlands include but are not limited to marshes,
2 22 bogs, fens, and isolated ponds.
2 23 8. "Mitigation" means applying the following actions in
2 24 order of acceptability and preference to the department:
2 25 a. Avoiding an adverse impact.
2 26 b. Where adverse impacts cannot be avoided, minimizing an
2 27 adverse impact.
2 28 c. Where adverse impacts cannot be avoided or minimized,
2 29 rectifying an adverse impact by repairing, rehabilitating, or
2 30 restoring the affected environment.
2 31 d. Where adverse impacts cannot be avoided, minimized, or
2 32 rectified, compensating for the adverse impact by replacing
2 33 or providing substitute resources or environments of equal or
2 34 greater quality and functions.
2 35 9. "Mitigation bank service area" means the designated area



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3 1 where a mitigation bank provides appropriate compensation for
3 2 impacts to wetlands and other aquatic resources and that is
3 3 designated as such in accordance with the process established
3 4 in the federal guidance for the establishment, use, and
3 5 operation of mitigation banks.

3 6 10. "Off=site mitigation" means wetland restoration,
3 7 creation, enhancement, or preservation occurring farther
3 8 than one mile from a project boundary, but within the same
3 9 watershed.

3 10 11. "On=site mitigation" means wetland restoration,
3 11 creation, enhancement, or preservation occurring within and not
3 12 more than one mile from the project boundary, and within the
3 13 same watershed.

3 14 12. "Practicable" means available and capable of being
3 15 executed with existing technology and without significant
3 16 adverse effect on the economic feasibility of the project in
3 17 light of the overall project purposes and in consideration of
3 18 the relative environmental benefit. The department shall have
3 19 the final determination as to what measures are practicable.

3 20 13. "Preservation" means the protection of ecologically
3 21 important wetlands in perpetuity through the implementation of
3 22 appropriate legal mechanisms to prevent harm to the wetlands.
3 23 "Preservation" may include protection of adjacent upland areas
3 24 as necessary to ensure protection of a wetland.

3 25 14. "Restoration" means the reestablishment of a previously
3 26 existing wetland at a site where the wetland has ceased to
3 27 exist.

3 28 15. "Watershed" means a common surface drainage area.
3 29 "Watershed" is limited to those parts of the cataloging units
3 30 that geographically lie within the borders of this state.

3 31 16. "Wetlands" means those areas that are inundated
3 32 or saturated by surface or groundwater at a frequency and
3 33 duration that are sufficient to support, and that under normal
3 34 circumstances do support, a prevalence of vegetation typically
3 35 adapted for life in saturated soil conditions. "Wetlands"



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4 1 includes swamps, marshes, bogs, and similar areas that are
4 2 delineated in accordance with the United States army corps of
4 3 engineers.
4 4 17. "Wetland mitigation bank" means a site where wetlands
4 5 have been restored, created, enhanced, or, in exceptional
4 6 circumstances, preserved expressly for the purpose of providing
4 7 mitigation for impacts to wetlands and that has been approved
4 8 in accordance with the process established in the federal
4 9 guidelines for the establishment, use, and operation of
4 10 mitigation banks.
4 11 Sec. 3. NEW SECTION. 456B.23 Permitting guidelines.
4 12 1. A proposed filling of an isolated wetland shall
4 13 require an isolated wetland permit and be subject to review
4 14 requirements established under this subchapter.
4 15 2. A review shall require the submission of a preactivity
4 16 notice that includes an application containing an acceptable
4 17 wetland delineation, a wetland categorization, a description
4 18 of the project, a description of the acreage of the isolated
4 19 wetland that will be subject to filling, site photographs, and
4 20 a mitigation proposal for the impact to the isolated wetland.
4 21 3. The applicant shall conduct mitigation for the proposed
4 22 filling of an isolated wetland that is subject to review. With
4 23 the approval of the director, the applicant shall conduct
4 24 either on-site mitigation, mitigation at a wetland mitigation
4 25 bank within the same United States army corps of engineers
4 26 district as the location of the proposed filling of the
4 27 isolated wetland, or off-site mitigation.
4 28 4. A person that has submitted a preactivity notice shall
4 29 complete the filling within two years after the end of the
4 30 thirty-day period following the receipt of the preactivity
4 31 notice by the department. If the filling is not completed
4 32 within that two-year period, the person shall submit a new
4 33 preactivity notice.
4 34 Sec. 4. NEW SECTION. 456B.24 Permits.
4 35 1. A review for an isolated wetland permit shall require all



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- 5 1 of the following:
- 5 2 a. All of the information required to be submitted with a
5 3 preactivity notice.
- 5 4 b. A full antidegradation review.
- 5 5 c. The submission of information indicating whether high=
5 6 quality waters are to be avoided by the proposed filling of the
5 7 isolated wetland.
- 5 8 2. The department shall issue or deny an isolated wetland
5 9 permit not later than one hundred eighty days after the receipt
5 10 of an application for the permit. The department shall not
5 11 issue an isolated wetland permit unless the applicant has
5 12 demonstrated that the proposed filling will not prevent or
5 13 interfere with the attainment or maintenance of applicable
5 14 state water quality standards.
- 5 15 3. a. The department may deny an isolated wetland permit
5 16 if the department determines that the proposed filling of the
5 17 isolated wetland will result in an adverse short=term or long=
5 18 term impact on water quality in the state.
- 5 19 b. The department may impose any practicable terms and
5 20 conditions on an isolated wetland permit to ensure adequate
5 21 protection of water quality in the state.
- 5 22 c. Prior to the issuance of an isolated wetland permit, or
5 23 prior to, during, or after the filling of the isolated wetland
5 24 that is the subject of the permit, the department may require
5 25 the applicant to perform various environmental quality tests,
5 26 including, without limitation, chemical analyses of water, to
5 27 sediment, or fill material and bioassays, in order to ensure
5 28 adequate protection of water quality.
- 5 29 4. Mitigation for the proposed filling of an isolated
5 30 wetland that is subject to review shall occur in the following
5 31 order:
- 5 32 a. Practicable on=site mitigation.
- 5 33 b. Reasonably identifiable, available, and practicable
5 34 off=site mitigation within the same watershed.
- 5 35 c. If the proposed filling of the isolated wetland will



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6 1 take place within a mitigation bank service area, within that
6 2 mitigation bank service area. If there is a significant
6 3 ecological reason that the mitigation location should not
6 4 be limited to the watershed in which the isolated wetland
6 5 is located and if the proposed mitigation will result in a
6 6 substantially greater ecological benefit, in a watershed that
6 7 is adjacent to the watershed in which the isolated wetland is
6 8 located.

6 9 Sec. 5. NEW SECTION. 456B.25 Wetland mitigation banks.

6 10 1. The department shall establish a list of approved wetland
6 11 mitigation banks. In establishing the list, the department
6 12 shall give preference to wetland mitigation banks that are
6 13 comprised of areas involving the restoration of previously
6 14 existing wetlands. The list established under this section
6 15 shall not exclude state or local agencies from developing
6 16 wetland mitigation banks.

6 17 2. The department may establish and operate a wetland
6 18 mitigation bank for use by any individual or entity, including
6 19 any state agency or department, for mitigation purposes in
6 20 accordance with this subchapter.

6 21 3. By December 31 of each year, the director shall issue
6 22 an annual report to the general assembly on the total acreage
6 23 of isolated wetlands that were subject to filling during the
6 24 preceding year and the total acreage of isolated wetlands
6 25 restored, created, enhanced, or preserved through mitigation
6 26 that same year as a result of isolated wetland permits.

6 27 Sec. 6. NEW SECTION. 456B.26 Permit review.

6 28 1. The director shall do all of the following in relation to
6 29 isolated wetland permits:

6 30 a. Prescribe the form of the application for an isolated
6 31 wetland permit.

6 32 b. Provide an explanation to an isolated wetland permit
6 33 applicant for the proposed denial of the application.

6 34 c. Within fifteen business days after the receipt of an
6 35 application, the director shall notify the applicant if the



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7 1 application is complete. If the application is not complete,
7 2 the director shall include in the notice an itemized list of
7 3 the information or materials that are necessary to complete the
7 4 application. Time periods specified in this subchapter shall
7 5 not apply until the application is determined by the director
7 6 to be complete. If the applicant fails to provide information
7 7 or materials that are necessary to complete the application
7 8 within sixty days after the receipt of the application, the
7 9 director may return the incomplete application to the applicant
7 10 and take no further action on the application.

7 11 d. Except as provided in subsection 2, the director shall
7 12 publish notice of the receipt of a complete application in a
7 13 newspaper of general circulation in the county housing the
7 14 isolated wetland proposed to be filled. The director shall
7 15 accept comments concerning the application and requests for a
7 16 public hearing concerning the application for not more than
7 17 thirty days following the publication of notice.

7 18 2. If a public hearing is requested during the thirty-day
7 19 comment period and the director determines there is significant
7 20 public interest, the department shall conduct a public hearing
7 21 concerning the application. Notice of the public hearing shall
7 22 be published not later than thirty days prior to the date of
7 23 the hearing in a newspaper of general circulation in the county
7 24 in which the proposed filling of the isolated wetland that is
7 25 the subject of the application is to take place. If a public
7 26 hearing is requested concerning an application, the department
7 27 shall accept comments concerning the application until fifteen
7 28 business days after the public hearing. A public hearing
7 29 conducted under this section shall take place not later than
7 30 ninety days after the director notifies the applicant that the
7 31 application is complete.

7 32 Sec. 7. NEW SECTION. 456B.27 Mitigation.

7 33 1. The department may require mitigation for impacts to
7 34 isolated wetlands to replace or compensate for the long-term
7 35 and short-term economic, environmental, and natural resource



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- 8 1 benefits that would be lost by the proposed regulated activity.
8 2 2. Mitigation for impacts to isolated wetlands shall be
8 3 conducted in accordance with the following ratios:
8 4 a. For isolated wetlands, other than forested isolated
8 5 wetlands, mitigation located at an approved wetland mitigation
8 6 bank shall be conducted at a rate of two times the size of the
8 7 isolated wetland area being impacted.
8 8 b. For forested isolated wetlands, mitigation located at an
8 9 approved wetland mitigation bank shall be conducted at a rate
8 10 of two and one-half times the size of the isolated wetland area
8 11 being impacted.
8 12 3. Mitigation that involves the enhancement or preservation
8 13 of existing isolated wetlands shall be calculated and performed
8 14 in accordance with existing state and federal laws and
8 15 regulations for wetlands.
8 16 4. An applicant shall demonstrate that the mitigation
8 17 site will be protected in perpetuity and that appropriate
8 18 practicable management measures are, or will be, in place to
8 19 restrict harmful activities that jeopardize the mitigation.
8 20 Sec. 8. NEW SECTION. 456B.28 Exemptions.
8 21 1. The requirement for an isolated wetlands permit does not
8 22 apply to a discharge that is the result of any of the following
8 23 activities:
8 24 a. Normal farming, silviculture, or ranching activities.
8 25 b. Maintenance, emergency repair, or reconstruction of
8 26 damaged parts of structures that are in use in the waters of
8 27 the state.
8 28 c. Construction or maintenance of farm ponds, stock ponds,
8 29 or irrigation ditches.
8 30 d. Maintenance of drainage ditches.
8 31 e. Construction or maintenance of farm roads, forest roads,
8 32 or temporary mining roads that is performed in accordance with
8 33 best management practices, as determined by the department, to
8 34 ensure all of the following:
8 35 (1) That the flow and circulation patterns and chemical



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9 1 and biological characteristics of the affected wetland are not
9 2 impaired.
9 3 (2) That the reach of the affected wetland is not reduced.
9 4 (3) That any adverse effect on the aquatic environment of
9 5 the affected wetland is minimized to the degree required by the
9 6 department.
9 7 2. A discharge that would be exempt under subsection 1
9 8 is subject to the permit requirement if the discharge is
9 9 incidental to any of the following activities:
9 10 a. An activity that has as its purpose bringing a wetland,
9 11 or part of a wetland, into a use for which it was not previously
9 12 subject.
9 13 b. An activity that may impair the flow or circulation of
9 14 any waters of the state.
9 15 c. An activity that may reduce the reach of any waters of
9 16 the state.
9 17 Sec. 9. NEW SECTION. 456B.29 Fees.
9 18 1. The department is authorized to adopt and enforce a fee
9 19 schedule for purposes of this subchapter. The amount of fees
9 20 collected annually must not exceed the cost of administering
9 21 the provisions of this subchapter. The fees collected pursuant
9 22 to this subchapter are appropriated to the department for
9 23 purposes of administering this subchapter.
9 24 2. If a person conducts any activities for which an isolated
9 25 wetland permit is required under this subchapter without first
9 26 obtaining such a permit, in addition to penalties outlined in
9 27 section 456B.31, the person shall pay twice the amount of the
9 28 application and review fees that the person otherwise would
9 29 have been required to pay under this subchapter.
9 30 Sec. 10. NEW SECTION. 456B.30 Inspection authority.
9 31 For purposes of enforcing this subchapter, any employee or
9 32 other representative of the department, upon presenting the
9 33 employee's or representative's credentials, may do any of the
9 34 following:
9 35 1. Enter and inspect any property on which is located a



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10 1 wetland, or part of a wetland, that is subject to a permit
10 2 issued under this subchapter.
10 3 2. Enter and inspect any property to investigate a discharge
10 4 of dredged or fill material.
10 5 3. Gain access to and inspect any records that the
10 6 department requires the holder of the isolated wetland permit
10 7 to keep.
10 8 Sec. 11. NEW SECTION. 456B.31 Jurisdiction and penalties.
10 9 1. A person shall not conduct a regulated activity within an
10 10 isolated wetland unless an isolated wetlands permit has been
10 11 issued to the person.
10 12 2. The district court of the county in which the affected
10 13 isolated wetlands area or any part thereof lies shall have
10 14 jurisdiction to restrain a violation of this subchapter upon
10 15 petition of the department, the attorney general, or any
10 16 person adversely affected. In the event the affected isolated
10 17 wetlands area lies in more than one county, jurisdiction shall
10 18 be in the district court of any county in which any part of
10 19 the area lies. In the same action the district court having
10 20 jurisdiction over the affected area may require such area to
10 21 be restored to its original condition. In the alternative,
10 22 the department may complete the restoration at the expense
10 23 of the person altering the area, in which case an action for
10 24 recovery of the amount expended may be brought in any court
10 25 having jurisdiction to restrain a violation. A bond shall
10 26 not be required as a condition of the granting of a temporary
10 27 restraining order under this section, except that the court may
10 28 in its discretion require that a reasonable bond be posted by
10 29 any person requesting the court to restrain a violation of this
10 30 subchapter.
10 31 3. A person violating any provision of this subchapter
10 32 involving more than five square yards of isolated wetlands is
10 33 guilty of a serious misdemeanor.
10 34 4. A person violating any provision of this subchapter
10 35 involving five square yards or less of isolated wetlands is



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11 1 guilty of a simple misdemeanor.

11 2 5. A person who is determined to be in violation of any
11 3 provision of this subchapter by the department shall be
11 4 liable for, and may be assessed by the department for, a civil
11 5 penalty of not less than one hundred dollars nor more than one
11 6 thousand dollars per day of violation. Whenever the department
11 7 determines that any person is in violation of any permit,
11 8 regulation, standard, or requirement under this subchapter,
11 9 the department may issue an order requiring such person to
11 10 comply with such permit, regulation, standard, or requirement,
11 11 including an order requiring restoration when deemed
11 12 environmentally appropriate by the department. In addition,
11 13 the department may bring a civil enforcement action under this
11 14 section as well as seeking appropriate injunctive relief.

11 15 Sec. 12. NEW SECTION. 456B.32 Rules.

11 16 The department shall adopt rules pursuant to chapter 17A
11 17 necessary to implement this subchapter.

11 18 Sec. 13. Section 427.1, subsection 23, Code Supplement
11 19 2009, is amended to read as follows:

11 20 23. Native prairie ~~and wetland~~. Land designated as native
11 21 prairie ~~or land designated as a protected wetland~~ by the
11 22 department of natural resources ~~pursuant to section 456B.12~~.

11 23 a. Application for the exemption shall be made on forms
11 24 provided by the department of revenue. ~~Land designated as~~
~~11 25 a protected wetland shall be assessed at a value equal to~~
~~11 26 the average value of the land where the wetland is located~~
~~11 27 and which is owned by the person granted the exemption.~~ The
11 28 application forms shall be filed with the assessing authority
11 29 not later than the first of February of the year for which the
11 30 exemption is requested. The application must be accompanied
11 31 by an affidavit signed by the applicant that if the exemption
11 32 is granted, the property will not be used for economic gain
11 33 during the assessment year in which the exemption is granted.
11 34 If the property is used for economic gain during the assessment
11 35 year in which the exemption is granted, the property shall



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12 1 lose its tax exemption and shall be taxed at the rate levied
12 2 by the county for the fiscal year beginning in that assessment
12 3 year. The first annual application shall be accompanied by a
12 4 certificate from the department of natural resources stating
12 5 that the land is native prairie ~~or protected wetland~~. The
12 6 department of natural resources shall issue a certificate for
12 7 the native prairie exemption if the department finds that the
12 8 land has never been cultivated, is unimproved, is primarily
12 9 a mixture of warm season grasses interspersed with flowering
12 10 plants, and meets the other criteria established by the natural
12 11 resource commission for native prairie. ~~The department of~~
~~12 12 natural resources shall issue a certificate for the wetland~~
~~12 13 exemption if the department finds the land is a protected~~
~~12 14 wetland, as defined under section 456B.1, or if the wetland~~
~~12 15 was previously drained and cropped but has been restored under~~
~~12 16 a nonpermanent restoration agreement with the department or~~
~~12 17 other county, state, or federal agency or private conservation~~
~~12 18 group~~. A taxpayer may seek judicial review of a decision of
12 19 the department according to chapter 17A. The natural resource
12 20 commission shall adopt rules to implement this subsection.
12 21 b. The assessing authority each year may submit to the
12 22 department a claim for reimbursement of tax revenue lost from
12 23 the exemption. ~~Upon receipt of the claim, the department shall~~
~~12 24 reimburse the assessing authority an amount equal to the lost~~
~~12 25 tax revenue based on the value of the protected wetland as~~
~~12 26 assessed by the authority, unless the department reimburses~~
~~12 27 the authority based upon a departmental assessment of the~~
~~12 28 protected wetland~~. The authority may contest the department's
12 29 assessment as provided in chapter 17A. ~~The department is not~~
~~12 30 required to honor a claim submitted more than sixty days after~~
~~12 31 the authority has assessed land where the protected wetland is~~
~~12 32 located and which is owned by the person granted the exemption~~.
12 33 Sec. 14. Section 456B.1, subsections 4 and 5, Code 2009, are
12 34 amended by striking the subsections.



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13 1 Sec. 15. Section 459.102, subsection 22, Code Supplement
13 2 2009, is amended to read as follows:
13 3 22. "Designated wetland" means land designated as a
13 4 protected wetland by the United States department of the
13 5 interior or the department of natural resources, ~~including~~
~~13 6 but not limited to a protected wetland as defined in section~~
~~13 7 456B.1, if the land is owned and managed by the federal~~
~~13 8 government or the department of natural resources.~~ However, a
13 9 designated wetland does not include land where an agricultural
13 10 drainage well has been plugged causing a temporary wetland or
13 11 land within a drainage district or levee district.
13 12 Sec. 16. REPEAL. Sections 456B.12, 456B.13, 456B.14, and
13 13 654A.16, Code 2009, are repealed.

13 14 EXPLANATION

13 15 This bill repeals current statutes relating to the inventory
13 16 and protection of wetlands, makes conforming amendments, and
13 17 replaces them with a comprehensive wetland program.

13 18 The bill requires that a proposed filling of an isolated
13 19 wetland requires an isolated wetland permit and subjects the
13 20 filling to a review by the department of natural resources.
13 21 The bill provides that a review shall require the submission
13 22 of a preactivity notice that includes an application. An
13 23 applicant shall conduct mitigation for the proposed filling
13 24 of an isolated wetland that is subject to departmental
13 25 review. The bill provides that a person that has submitted a
13 26 preactivity notice shall complete the filling within two years.

13 27 The bill provides that the department shall issue or deny
13 28 an isolated wetland permit not later than 180 days after the
13 29 receipt of an application for the permit. The bill prohibits
13 30 the department from issuing an isolated wetland permit unless
13 31 the applicant has demonstrated that the proposed filling will
13 32 not prevent or interfere with the attainment or maintenance of
13 33 applicable state water quality standards. The bill provides
13 34 that the department may deny an isolated wetland permit if the
13 35 department determines that the proposed filling of the isolated



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14 1 wetland will result in an adverse short-term or long-term
14 2 impact on water quality in the state. The bill allows the
14 3 department to impose any practicable terms and conditions on an
14 4 isolated wetland permit to ensure adequate protection of water
14 5 quality in the state. The department may require the applicant
14 6 perform various environmental quality tests in order to ensure
14 7 adequate protection of water quality. The bill provides a
14 8 priority order of locations where mitigation for the proposed
14 9 filling of an isolated wetland that is subject to review shall
14 10 occur.

14 11 The bill requires the department to establish a list of
14 12 approved wetland mitigation banks. "Wetland mitigation bank"
14 13 means a site where wetlands have been restored, created,
14 14 enhanced, or, in exceptional circumstances, preserved expressly
14 15 for the purpose of providing mitigation for impacts to wetlands
14 16 and that has been approved in accordance with the process
14 17 established in the federal guidelines for the establishment,
14 18 use, and operation of mitigation banks.

14 19 The bill requires the director to prescribe the form of
14 20 the application for an isolated wetland permit and provide
14 21 an explanation to an isolated wetland permit applicant for
14 22 the proposed denial of the application. The bill requires
14 23 the director, within 15 business days after the receipt of an
14 24 application, to notify the applicant if the application is
14 25 complete. The bill provides procedures for public hearings
14 26 regarding an isolated wetland permit.

14 27 The bill allows the department to require mitigation for
14 28 impacts to isolated wetlands to replace or compensate for the
14 29 long-term and short-term economic, environmental, and natural
14 30 resource benefits that would be lost by the proposed regulated
14 31 activity. The bill requires an applicant to demonstrate that
14 32 the mitigation site will be protected in perpetuity and that
14 33 appropriate practicable management measures are, or will be,
14 34 in place to restrict harmful activities that jeopardize the
14 35 mitigation.



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15 1 The bill provides that the requirement for an isolated
15 2 wetlands permit does not apply to any discharge that is the
15 3 result of normal farming, silviculture, or ranching activities;
15 4 maintenance, emergency repair, or reconstruction of damaged
15 5 parts of structures that are in use in the waters of the
15 6 state; construction or maintenance of farm ponds, stock ponds,
15 7 or irrigation ditches; maintenance of drainage ditches; or
15 8 construction or maintenance of certain roads that is performed
15 9 in accordance with best management practices. The bill
15 10 provides that an exempt discharge is subject to the permit
15 11 requirement if the discharge is incidental to an activity that
15 12 has as its purpose bringing a wetland, or part of a wetland,
15 13 into a use for which it was not previously subject, an activity
15 14 that may impair the flow or circulation of any waters of the
15 15 state, or an activity that may reduce the reach of any waters
15 16 of the state.

15 17 The bill allows the department to adopt and enforce a fee
15 18 schedule. The bill provides that the amount of fees collected
15 19 annually must not exceed the cost of administering the
15 20 provisions of this bill and that the fees are appropriated for
15 21 purposes of administering the provisions. The bill provides
15 22 that if a person conducts any activities for which an isolated
15 23 wetland permit is required without first obtaining such a
15 24 permit, in addition to other penalties, the person shall pay
15 25 twice the amount of the application and review fees that the
15 26 person otherwise would have been required to pay.

15 27 The bill allows any employee or other representative of the
15 28 department, upon presenting the employee's or representative's
15 29 credentials, to enter and inspect any property on which is
15 30 located a wetland, or part of a wetland, that is subject to
15 31 a permit, enter and inspect any property to investigate a
15 32 discharge of dredged or fill material, and gain access to and
15 33 inspect any records that the department requires the holder of
15 34 the isolated wetland permit to keep.

15 35 The bill prohibits a person from conducting a regulated



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16 1 activity within an isolated wetland unless an isolated wetlands
16 2 permit has been issued. The bill allows a district court
16 3 having jurisdiction over an affected area to require such area
16 4 to be restored to its original condition. In the alternative,
16 5 the bill allows the department to complete the restoration at
16 6 the expense of the person altering the area, in which case an
16 7 action for recovery of the amount expended may be brought in
16 8 any court having jurisdiction to restrain a violation.
16 9 The bill provides that a person violating any provision of
16 10 this bill involving more than five square yards of isolated
16 11 wetlands is guilty of a serious misdemeanor. The bill provides
16 12 that a person violating any provision of this bill involving
16 13 five square yards or less of isolated wetlands is guilty of a
16 14 simple misdemeanor. The bill provides that a person who is
16 15 determined to be in violation of any provision of this bill
16 16 shall be assessed a civil penalty of not less than \$100 nor
16 17 more than \$1,000 per day of violation. The bill provides
16 18 that whenever the department determines that any person is in
16 19 violation of any permit, regulation, standard, or requirement
16 20 under the bill, the department may issue an order requiring
16 21 such person to comply with such permit, regulation, standard,
16 22 or requirement, including an order requiring restoration when
16 23 deemed environmentally appropriate by the department. The bill
16 24 provides that, in addition, the department may bring a civil
16 25 enforcement action as well as seeking an appropriate injunctive
16 26 relief.

LSB 5673XS (4) 83

tm/nh



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Senate File 2070 - Introduced

SENATE FILE
BY HATCH

(COMPANION TO lsb
5170hh BY MASCHER)

A BILL FOR

1 An Act relating to the licensing of midwives and providing
2 for a fee and a penalty, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5170XS (7) 83
jr/nh



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PAG LIN

1 1 Section 1. Section 147.1, subsections 3 and 6, Code
1 2 Supplement 2009, are amended to read as follows:
1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 nurse, dentist, dental hygienist, dental assistant,
1 7 optometrist, speech pathologist, audiologist, pharmacist,
1 8 physical therapist, physical therapist assistant, occupational
1 9 therapist, occupational therapy assistant, respiratory care
1 10 practitioner, practitioner of cosmetology arts and sciences,
1 11 practitioner of barbering, funeral director, dietitian, marital
1 12 and family therapist, mental health counselor, social worker,
1 13 massage therapist, midwife, athletic trainer, acupuncturist,
1 14 nursing home administrator, hearing aid dispenser, or sign
1 15 language interpreter or transliterator means a person licensed
1 16 under this subtitle.
1 17 6. "Profession" means medicine and surgery, podiatry,
1 18 osteopathic medicine and surgery, practice as a physician
1 19 assistant, psychology, chiropractic, nursing, dentistry,
1 20 dental hygiene, dental assisting, optometry, speech pathology,
1 21 audiology, pharmacy, physical therapy, physical therapist
1 22 assisting, occupational therapy, occupational therapy
1 23 assisting, respiratory care, cosmetology arts and sciences,
1 24 barbering, mortuary science, marital and family therapy,
1 25 mental health counseling, social work, dietetics, massage
1 26 therapy, midwifery, athletic training, acupuncture, nursing
1 27 home administration, hearing aid dispensing, or sign language
1 28 interpreting or transliterating.
1 29 Sec. 2. Section 147.2, subsection 1, Code 2009, is amended
1 30 to read as follows:
1 31 1. A person shall not engage in the practice of medicine
1 32 and surgery, podiatry, osteopathic medicine and surgery,
1 33 psychology, chiropractic, physical therapy, physical therapist
1 34 assisting, nursing, dentistry, dental hygiene, dental
1 35 assisting, optometry, speech pathology, audiology, occupational



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2 1 therapy, occupational therapy assisting, respiratory care,
2 2 pharmacy, cosmetology arts and sciences, barbering, social
2 3 work, dietetics, marital and family therapy or mental health
2 4 counseling, massage therapy, midwifery, mortuary science,
2 5 athletic training, acupuncture, nursing home administration,
2 6 hearing aid dispensing, or sign language interpreting
2 7 or transliterating, or shall not practice as a physician
2 8 assistant, unless the person has obtained a license for that
2 9 purpose from the board for the profession.
2 10 Sec. 3. Section 147.13, Code Supplement 2009, is amended by
2 11 adding the following new subsection:
2 12 NEW SUBSECTION. 24. For midwifery, the board of midwifery.
2 13 Sec. 4. Section 147.14, subsection 1, Code Supplement 2009,
2 14 is amended by adding the following new paragraph:
2 15 NEW PARAGRAPH. x. For midwifery, a total of seven members,
2 16 three members who are licensed midwives under chapter 148F;
2 17 one member who is licensed under chapter 148, is a practicing
2 18 family physician, and has professional experience consulting
2 19 for and collaborating with direct=entry midwives; one member
2 20 who is an advanced registered nurse practitioner licensed under
2 21 chapter 152, is a certified nurse midwife, and has professional
2 22 experience consulting for and collaborating with direct=entry
2 23 midwives; and two members who are not licensed midwives or
2 24 licensed health care providers who have received direct=entry
2 25 midwifery services and who shall represent the general public.
2 26 Sec. 5. Section 147.74, Code 2009, is amended by adding the
2 27 following new subsection:
2 28 NEW SUBSECTION. 5A. A midwife licensed under chapter 148F
2 29 may use the words "licensed midwife" or the initials "L.M."
2 30 after the person's name.
2 31 Sec. 6. NEW SECTION. 148F.1 Definitions.
2 32 As used in this chapter, unless the context otherwise
2 33 requires:
2 34 1. "Board" means the board of midwifery.
2 35 2. "Licensed midwife" means a person who is licensed to



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3 1 practice midwifery as provided in this chapter.

3 2 3. "Out-of-hospital" means any facility, institution, or
3 3 place which is not an ambulatory surgical center or a hospital,
3 4 such as a birth center as defined in section 135.61 or a
3 5 private home.

3 6 4. "Practice of midwifery" means the provision of primary
3 7 maternity care during the antepartum, intrapartum, and
3 8 postpartum periods by a person who is neither licensed to
3 9 practice under chapter 148, nor a nurse recognized by the Iowa
3 10 board of nursing as an advanced registered nurse practitioner
3 11 who is a certified nurse midwife, and who is not rendering
3 12 emergency services without compensation. "Practice of
3 13 midwifery" may also include the carrying and administration
3 14 of certain medications during the practice of midwifery,
3 15 including oxytocin, as a postpartum antihemorrhagic agent,
3 16 oxygen, intravenous fluids for stabilization, vitamin K, eye
3 17 prophylactics, and other drugs or procedures as appropriate for
3 18 the scope of practice for licensed midwives as determined by
3 19 the board.

3 20 Sec. 7. NEW SECTION. 148F.2 Licensure == licensed
3 21 midwifery.

3 22 Beginning July 1, 2011, every person practicing midwifery in
3 23 this state shall be licensed pursuant to this chapter. The
3 24 board shall adopt rules pursuant to chapters 17A, 147, and 272C
3 25 establishing procedures for the licensing of new and practicing
3 26 midwives. Prior to obtaining licensure, an applicant shall
3 27 successfully pass an examination prescribed and approved by
3 28 the board as determined in rule demonstrating competencies
3 29 in at least all of the following areas: risk assessment
3 30 and management; prenatal care; management of normal labor,
3 31 birth, and postpartum; newborn care up to six weeks; and adult
3 32 cardiopulmonary resuscitation and newborn resuscitation.

3 33 Sec. 8. NEW SECTION. 148F.3 Use of title == penalty.

3 34 A person shall not use the title licensed midwife, describe
3 35 or imply that the person is a licensed midwife, or represent



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4 1 the person as a licensed midwife unless the person is granted a
4 2 license under this chapter or is licensed as a nurse-midwife
4 3 under chapter 152.
4 4 Sec. 9. NEW SECTION. 148F.4 Rules.
4 5 1. The board shall:
4 6 a. Adopt rules relating to standards for professional
4 7 conduct of persons licensed under this chapter.
4 8 b. Adopt rules consistent with this chapter and with
4 9 chapters 147 and 272C which are necessary for the performance
4 10 of its duties.
4 11 c. Act on matters concerning licensure and the processes
4 12 of applying for, granting, suspending, imposing supervisory
4 13 or probationary conditions upon, reinstating, and revoking a
4 14 license.
4 15 d. Administer the provisions of this chapter requiring
4 16 documentation required to demonstrate competence as a midwife,
4 17 and the processing of applications for licenses and license
4 18 renewal.
4 19 e. Develop continuing education requirements as a condition
4 20 of license renewal.
4 21 f. Evaluate requirements for licensure in other states to
4 22 determine if reciprocity may be granted.
4 23 g. Establish and collect licensure fees as provided in
4 24 section 147.80 and retain fees as provided in section 147.82.
4 25 h. Adopt guidelines encouraging the development
4 26 of collaborative relationships with other health care
4 27 practitioners who can provide care outside of the scope of the
4 28 practice of midwifery when necessary.
4 29 i. Establish procedures for the issuance, renewal, and
4 30 revocation or suspension of a license under this chapter.
4 31 j. Maintain a registry of licensed midwives and statistics
4 32 on the practice of midwifery utilizing vital statistics data.
4 33 2. In establishing rules, the board shall consult with
4 34 persons knowledgeable regarding the prenatal and postpartum
4 35 birth process, particularly those possessing experience with



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5 1 out-of-hospital births, including but not limited to persons
5 2 licensed under chapter 148, certified professional midwives,
5 3 advanced registered nurse practitioners who are certified nurse
5 4 midwives, and women who have given birth in an out-of-hospital
5 5 setting.

5 6 3. Rules relating to the practice of midwifery shall
5 7 not be inconsistent with the North American registry of
5 8 midwives' current job description for the profession and the
5 9 standards of practice of midwifery established by the national
5 10 association of certified professional midwives or a successor
5 11 organization, and shall not expand the scope of practice of
5 12 midwifery established by the national association of certified
5 13 professional midwives or a successor organization.

5 14 Sec. 10. NEW SECTION. 148F.5 Client disclosure.

5 15 Prior to accepting a patient for midwifery care, a licensed
5 16 midwife shall provide information indicating all of the
5 17 following:

5 18 1. Evidence that the care provider is a licensed midwife
5 19 meeting the requirements of this chapter.

5 20 2. Whether the licensed midwife has malpractice liability
5 21 insurance coverage and the policy limits of such coverage.

5 22 3. The midwife's educational background and relevant
5 23 experience, including experience in various birth settings.

5 24 4. The nature, scope, and location of the care to be
5 25 given, including the possibility of and the guidelines for
5 26 consultation, referral, or transfer of the patient to a
5 27 hospital from an out-of-hospital setting.

5 28 Sec. 11. NEW SECTION. 148F.6 Exceptions.

5 29 1. This chapter does not prevent qualified members of other
5 30 professions including but not limited to individuals licensed
5 31 under chapter 148 or 152 from providing services consistent
5 32 with the nature of the practice of midwifery.

5 33 2. This chapter does not prevent or prohibit a student
5 34 midwife from performing tasks related to the practice of
5 35 midwifery under the supervision of a licensed midwife, a



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6 1 certified nurse midwife, or a licensed physician during
6 2 completion of the licensure process.
6 3 3. The practice of midwifery in this state prior to July
6 4 1, 2011, shall not constitute grounds for disciplinary action
6 5 by the board. The board may issue a license to a person who
6 6 has practiced midwifery in this state upon application and
6 7 compliance with the provisions of this chapter and the rules
6 8 adopted pursuant to this chapter.
6 9 Sec. 12. NEW SECTION. 148F.7 Prohibited practice.
6 10 A person shall not practice midwifery, or represent that the
6 11 person is a midwife, unless the person is licensed as provided
6 12 in this chapter.
6 13 Sec. 13. NEW SECTION. 148F.8 Requirements for licensure ==
6 14 temporary license.
6 15 Beginning July 1, 2011, an individual who does not meet the
6 16 requirements for licensure by examination pursuant to section
6 17 148F.2 may apply for a one-year temporary license as determined
6 18 by the board in rules. Renewal of the temporary license shall
6 19 be determined by the board. The board may revoke a temporary
6 20 license if it determines that the temporary licensee has
6 21 violated standards established by rule.
6 22 Sec. 14. Section 272C.1, subsection 6, Code Supplement
6 23 2009, is amended by adding the following new paragraph:
6 24 NEW PARAGRAPH. ag. The board of midwifery, created pursuant
6 25 to chapter 147.
6 26 Sec. 15. Section 272C.4, subsection 6, Code Supplement
6 27 2009, is amended to read as follows:
6 28 6. Define by rule acts or omissions that are grounds for
6 29 revocation or suspension of a license under section 100D.5,
6 30 105.22, 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24,
6 31 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
6 32 or 602.3203 or chapter 151 or 155, as applicable, and to define
6 33 by rule acts or omissions that constitute negligence, careless
6 34 acts, or omissions within the meaning of section 272C.3,
6 35 subsection 2, paragraph "b", which licensees are required to



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8 1 enacting Code section 148F.8, both prohibiting the practice of
8 2 midwifery without a license, take effect July 1, 2011.
LSB 5170XS (7) 83
jr/nh



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Senate File 2071 - Introduced

SENATE FILE
BY HATCH

A BILL FOR

1 An Act relating to prescription drug costs and practices and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5726XS (5) 83
pf/nh



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1 1 DIVISION I
1 2 PHARMACY BENEFITS MANAGERS
1 3 Section 1. Section 510.21, Code 2009, is amended to read as
1 4 follows:
1 5 510.21 Certificate of registration required.
1 6 1. A person shall not act as or represent oneself to be
1 7 a third-party administrator in this state, other than an
1 8 adjuster licensed in this state for the kinds of business for
1 9 which the person is acting as a third-party administrator,
1 10 unless the person holds a current certificate of registration
1 11 as a third-party administrator issued by the commissioner of
1 12 insurance. A certificate of registration as a third-party
1 13 administrator is renewable every three years. Failure to hold
1 14 a certificate subjects the third-party administrator to the
1 15 sanctions set out in section 507B.7. The certificate shall
1 16 be issued by the commissioner to a third-party administrator
1 17 unless the commissioner, after due notice and hearing,
1 18 determines that the third-party administrator is not competent,
1 19 trustworthy, financially responsible, or of good personal and
1 20 business reputation, or has had a previous application for an
1 21 insurance license denied for cause within the preceding five
1 22 years.
1 23 2. An application for registration shall be accompanied by
1 24 a filing fee of one hundred dollars. After notice and hearing,
1 25 the commissioner may impose any or all of the sanctions set out
1 26 in section 507B.7, upon finding that either the third-party
1 27 administrator violated any of the requirements of sections
1 28 510.12 through 510.20 and this section, or the third-party
1 29 administrator is not competent, trustworthy, financially
1 30 responsible, or of good personal and business reputation.
1 31 In addition, if the third-party administrator is a pharmacy
1 32 benefits manager as defined in section 510B.2, the commissioner
1 33 may impose any or all of the sanctions set out in section
1 34 507B.7 upon finding that the pharmacy benefits manager has
1 35 violated any provision of chapter 510B.



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2 1 Sec. 2. Section 510B.1, subsection 7, Code 2009, is amended
2 2 by striking the subsection and inserting in lieu thereof the
2 3 following:
2 4 7. "Pharmacy benefits management" means the procurement
2 5 of prescription drugs at a negotiated rate for dispensing
2 6 within the state to covered individuals, the administration or
2 7 management of prescription drug benefits provided by a covered
2 8 entity for the benefit of covered individuals, or any of the
2 9 following services provided with regard to the administration
2 10 of pharmacy benefits:
2 11 a. Mail service pharmacy.
2 12 b. Claims processing or retail network management and
2 13 payment of claims to pharmacies for prescription drugs
2 14 dispensed to covered individuals.
2 15 c. Clinical formulary development and management services.
2 16 d. Rebate contracting and administration.
2 17 e. Certain patient compliance, therapeutic intervention, and
2 18 generic substitution programs.
2 19 f. Disease management programs.
2 20 Sec. 3. Section 510B.3, Code 2009, is amended to read as
2 21 follows:
2 22 510B.3 Enforcement == rules == penalties.
2 23 1. The commissioner shall enforce the provisions of this
2 24 chapter.
2 25 2. The commissioner shall adopt rules pursuant to chapter
2 26 17A to administer this chapter including rules relating to all
2 27 of the following:
2 28 a. Timely payment of pharmacy claims.
2 29 b. A process for adjudication of complaints and settlement
2 30 of disputes between a pharmacy benefits manager and a licensed
2 31 pharmacy related to pharmacy auditing practices, termination of
2 32 pharmacy agreements, and timely payment of pharmacy claims.
2 33 3. A violation of this chapter is subject to the sanctions
2 34 and penalties as specified in section 510.21.



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3 1 Sec. 4. Section 510B.4, Code 2009, is amended to read as
3 2 follows:

3 3 510B.4 Performance of duties == good faith == conflict of
3 4 interest == required practices.

3 5 1. A pharmacy benefits manager shall perform the pharmacy
3 6 benefits manager's duties exercising good faith and fair
3 7 dealing in the performance of its contractual obligations
3 8 toward the covered entity.

3 9 2. A pharmacy benefits manager shall notify the covered
3 10 entity in writing of any activity, policy, practice ownership
3 11 interest, or affiliation of the pharmacy benefits manager
3 12 that directly or indirectly presents any conflict of interest
3 13 pursuant to the requirements of this chapter.

3 14 3. A pharmacy benefits manager owes a fiduciary duty to a
3 15 covered entity and shall discharge that duty in accordance with
3 16 the provisions of state and federal law.

3 17 4. A pharmacy benefits manager shall perform its duties with
3 18 care, skill, prudence, and diligence and in accordance with the
3 19 standards of conduct applicable to a fiduciary in an enterprise
3 20 of a like character and with like aims.

3 21 5. a. A pharmacy benefits manager shall provide to a
3 22 covered entity all financial and utilization information
3 23 requested by the covered entity relating to the provision of
3 24 benefits to covered individuals through that covered entity and
3 25 all financial and utilization information relating to services
3 26 to that covered entity.

3 27 b. A pharmacy benefits manager shall disclose to the covered
3 28 entity all financial terms and arrangements for remuneration
3 29 of any kind that apply between the pharmacy benefits manager
3 30 and any prescription drug manufacturer or labeler, including
3 31 but not limited to formulary management and drug switching
3 32 programs, educational support, claims processing and pharmacy
3 33 network fees that are charged from retail pharmacies and data
3 34 sales fees.

3 35 c. A pharmacy benefits manager disclosing information under



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4 1 this subsection may designate that material as confidential.
4 2 Information designated as confidential by a pharmacy benefits
4 3 manager and disclosed to a covered entity under this subsection
4 4 shall not be disclosed by the covered entity to any person
4 5 without the consent of the pharmacy benefits manager, except
4 6 that disclosure may be made in a court filing under state law
4 7 governing deceptive trade practices or when authorized by state
4 8 law or ordered by a court for good cause shown or made in a
4 9 court filing under seal unless or until otherwise ordered by a
4 10 court.

4 11 d. Nothing in this subsection limits the authority of the
4 12 attorney general to investigate violations of this chapter.

4 13 Sec. 5. Section 510B.6, Code 2009, is amended to read as
4 14 follows:

4 15 510B.6 Dispensing of substitute prescription drug for
4 16 prescribed drug == passing on payments or benefits.

4 17 1. The following provisions shall apply when a pharmacy
4 18 benefits manager requests the dispensing of a substitute
4 19 prescription drug for a prescribed drug to a covered
4 20 individual:

4 21 a. The pharmacy benefits manager may request the
4 22 substitution of a lower priced generic and therapeutically
4 23 equivalent drug for a higher priced prescribed drug.

4 24 b. If the substitute drug's net cost to the covered
4 25 individual or covered entity exceeds the cost of the prescribed
4 26 drug, the substitution shall be made only for medical reasons
4 27 that benefit the covered individual.

4 28 2. A pharmacy benefits manager shall obtain the approval
4 29 of the prescribing practitioner prior to requesting any
4 30 substitution under this section.

4 31 3. A pharmacy benefits manager shall not substitute an
4 32 equivalent prescription drug contrary to a prescription drug
4 33 order that prohibits a substitution.

4 34 4. If a pharmacy benefits manager makes a substitution in
4 35 which the substitute drug's net cost to the covered individual



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5 1 or covered entity exceeds the cost of the prescribed drug, the
5 2 pharmacy benefits manager shall disclose to the covered entity
5 3 the cost of both drugs and any benefit or payment directly
5 4 or indirectly accruing to the pharmacy benefits manager as a
5 5 result of the substitution.

5 6 5. The pharmacy benefits manager shall transfer in full
5 7 to the covered entity any benefit or payment received in any
5 8 form by the pharmacy benefits manager either as a result of
5 9 a prescription drug substitution under subsection 4 or as a
5 10 result of the pharmacy benefits manager substituting a lower
5 11 priced generic and therapeutically equivalent drug for a higher
5 12 priced prescribed drug.

5 13 6. A pharmacy benefits manager that derives any payment or
5 14 benefit for the dispensing of a prescription drug within the
5 15 state based on volume of sales for certain prescription drugs
5 16 or classes or brands of drugs within the state shall pass that
5 17 payment or benefit on in full to the covered entity.

5 18 Sec. 6. NEW SECTION. 510B.8 Market conduct review and
5 19 audit.

5 20 The commissioner may review compliance with this chapter by
5 21 pharmacy benefits managers through market conduct reviews and
5 22 audits, and may assess an annual fee proportional to the cost
5 23 to the division of insurance associated with conducting the
5 24 market conduct review and audit. A market conduct review and
5 25 audit shall be completed at least once every three years for
5 26 each pharmacy benefits manager certified in the state.

5 27

DIVISION II

5 28 SECTION 340B PRESCRIPTION DRUG PURCHASING

5 29 Sec. 7. LEGISLATIVE INTENT. It is the intent of the general
5 30 assembly to reduce prescription drug costs to the state by
5 31 ensuring maximum use of prescription drug pricing available
5 32 through section 340B of the federal Public Health Service Act.

5 33 Sec. 8. WORKGROUP AND REPORT.

5 34 1. The department of public health shall convene a
5 35 workgroup to study the feasibility of providing discounted



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6 1 prescription drugs to the most vulnerable of Iowa's citizens
6 2 through the use of section 340B of the federal Public Health
6 3 Service Act, 42 U.S.C. { 256b (1999). The workgroup shall
6 4 include representatives of 340B hospitals, the corrections
6 5 system, the medical assistance program, low-income nonprofit
6 6 advocacy organizations, and a representative of federally
6 7 qualified health centers or a related federally qualified
6 8 health centers' association. The workgroup, in collaboration
6 9 with the department of public health, shall work with other
6 10 state agencies, representatives of state employees, and
6 11 representatives of health care providers and facilities in the
6 12 state to provide all of the following information:
6 13 a. Covered entities. A description of all health care
6 14 providers and facilities in the state potentially eligible for
6 15 designation as "covered entities" under section 340B, including
6 16 but not limited to all hospitals eligible as disproportionate
6 17 share hospitals; recipients of grants from the United States
6 18 public health service; federally qualified health centers;
6 19 federally qualified look-alikes; state-operated AIDS drug
6 20 assistance programs; Ryan White CARE Act Title I, Title II, and
6 21 Title III programs; tuberculosis, black lung, family planning,
6 22 and sexually transmitted disease clinics; hemophilia treatment
6 23 centers; public housing primary care clinics; and clinics for
6 24 homeless people.
6 25 b. Potential applications and benefits. A listing of
6 26 potential applications of section 340B and the potential
6 27 benefits to public, private, and third-party payors for
6 28 prescription drugs, including but not limited to:
6 29 (1) Application to inmates and employees in juvenile
6 30 correctional facilities, county jails, and state correctional
6 31 institutions.
6 32 (2) Maximizing the use of section 340B within state-funded
6 33 managed care plans.
6 34 (3) Including section 340B providers in state bulk
6 35 purchasing initiatives.



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7 1 (4) Utilizing sole source contracts with section 340B
7 2 providers to furnish high-cost chronic care drugs.
7 3 c. Section 340B discounts. Discounts available through
7 4 section 340B contracts, including estimated cost savings to
7 5 the state as a result of retail markup avoidance, negotiated
7 6 subceiling prices, and coordination with the medical assistance
7 7 program in order to minimize costs to the program and to other
7 8 purchasers of prescription drugs.
7 9 d. Identification of resources. The resources available to
7 10 potential applicants for designation as covered entities for
7 11 the application process, establishing a section 340B program,
7 12 restructuring the health care system, or other methods of
7 13 lowering the cost of prescription drugs. The resources shall
7 14 include state and federal agencies and private philanthropic
7 15 grants to be used for the purposes of this section.
7 16 2. The workgroup shall report its findings to the governor
7 17 and the general assembly not later than December 15, 2010.

EXPLANATION

7 18
7 19 This bill relates to the cost of prescription drugs
7 20 including practices of pharmacy benefits managers and the
7 21 federal section 340B program.
7 22 Division I of the bill relates to pharmacy benefits
7 23 managers. Pharmacy benefits managers are considered
7 24 third-party administrators under current law, and the bill
7 25 provides that in addition to violations of law relating to
7 26 third-party administrators, if a pharmacy benefits manager
7 27 violates provisions of law relating to pharmacy benefits
7 28 managers, the sanctions and penalties applicable to third-party
7 29 administrators apply to such violations. The bill redefines
7 30 "pharmacy benefits management" to include specific services
7 31 including mail services pharmacy and specifies required
7 32 practices of pharmacy benefits managers including the fiduciary
7 33 duties, provision of financial and utilization information, and
7 34 disclosure of financial terms and arrangements for remuneration
7 35 between the pharmacy benefits manager and any prescription drug



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8 1 manufacturer or labeler. The bill also requires a pharmacy
8 2 benefits manager to disclose payments or benefits to a pharmacy
8 3 benefits manager for substitution of prescription drugs, and to
8 4 transfer any payment or benefit to the covered entity that is
8 5 realized through substitution or based on volume of sales. The
8 6 bill also authorizes the commissioner of insurance to perform a
8 7 market conduct review and audit at least every three years for
8 8 each pharmacy benefits manager.
8 9 Division II of the bill relates to prescription drug
8 10 purchasing through section 340B of the federal Public Health
8 11 Services Act (the section 340B program). The bill provides
8 12 that it is the intent of the general assembly to reduce
8 13 prescription drug costs to the state by ensuring maximum use of
8 14 prescription drug pricing available through the section 340B
8 15 program and directs the department of public health to convene
8 16 a workgroup to study the feasibility of providing discounted
8 17 prescription drugs to the most vulnerable of Iowa's citizens
8 18 through the section 340B program. The bill specifies the
8 19 membership of the workgroup, and specifies the information the
8 20 workgroup is to provide regarding covered entities under the
8 21 section 340B program, potential applications and benefits,
8 22 section 340B discounts, and identification of resources. The
8 23 bill directs the workgroup to report its findings to the
8 24 governor and the general assembly no later than December 15,
8 25 2010.

LSB 5726XS (5) 83

pf/nh



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Senate File 2072 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1136)

A BILL FOR

1 An Act relating to the detention of a person taken into
2 immediate custody in an involuntary hospitalization
3 proceeding and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1883SV (2) 83
rh/rj



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1 1 Section 1. Section 229.10, subsection 1, paragraph a, Code
1 2 Supplement 2009, is amended to read as follows:

1 3 a. An examination of the respondent shall be conducted by
1 4 one or more licensed physicians, as required by the court's
1 5 order, within a reasonable time. If the respondent is detained
1 6 pursuant to section 229.11, subsection ± 3, paragraph "b",
1 7 the examination shall be conducted within twenty-four hours.
1 8 If the respondent is detained pursuant to section 229.11,
1 9 subsection ± 3, paragraph "a" or "c", the examination shall
1 10 be conducted within forty-eight hours. If the respondent
1 11 so desires, the respondent shall be entitled to a separate
1 12 examination by a licensed physician of the respondent's own
1 13 choice. The reasonable cost of the examinations shall, if the
1 14 respondent lacks sufficient funds to pay the cost, be paid from
1 15 county funds upon order of the court.

1 16 Sec. 2. Section 229.11, Code Supplement 2009, is amended to
1 17 read as follows:

1 18 229.11 Judge may order immediate custody.

1 19 1. If the applicant requests that the respondent be taken
1 20 into immediate custody and the judge, upon reviewing the
1 21 application and accompanying documentation, finds probable
1 22 cause to believe that the respondent has a serious mental
1 23 impairment and is likely to injure the respondent or other
1 24 persons if allowed to remain at liberty, the judge may enter
1 25 a written order directing that the respondent be taken into
1 26 immediate custody by the sheriff or the sheriff's deputy and be
1 27 detained until the hospitalization hearing.

1 28 2. The hospitalization hearing shall be held no more than
1 29 five days after the date of the order, except that if the
1 30 fifth day after the date of the order is a Saturday, Sunday,
1 31 or a holiday, the hearing may be held on the next succeeding
1 32 business day.

1 33 3. If the expenses of a respondent are payable in whole
1 34 or in part by a county, for a placement in accordance with
1 35 paragraph "a", the judge shall give notice of the placement to



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2 1 the central point of coordination process, and for a placement
2 2 in accordance with paragraph "b" or "c", the judge shall order
2 3 the placement in a hospital or facility designated through the
2 4 central point of coordination process. The judge may order the
2 5 respondent detained for the period of time until the hearing
2 6 is held, and no longer, in accordance with paragraph "a", if
2 7 possible, and if not then in accordance with paragraph "b",
2 8 or, only if neither of these alternatives is available, in
2 9 accordance with paragraph "c". Detention may be:

2 10 a. In the custody of a relative, friend or other suitable
2 11 person who is willing to accept responsibility for supervision
2 12 of the respondent, and the respondent may be placed under
2 13 such reasonable restrictions as the judge may order including
2 14 but not limited to restrictions on or a prohibition of any
2 15 expenditure, encumbrance or disposition of the respondent's
2 16 funds or property; ~~or.~~

2 17 b. In a suitable hospital the chief medical officer of
2 18 which shall be informed of the reasons why immediate custody
2 19 has been ordered and may provide treatment which is necessary
2 20 to preserve the respondent's life, or to appropriately control
2 21 behavior by the respondent which is likely to result in
2 22 physical injury to the respondent or to others if allowed
2 23 to continue, but may not otherwise provide treatment to the
2 24 respondent without the respondent's consent; ~~or.~~

2 25 c. In the nearest facility in the community which is
2 26 licensed to care for persons with mental illness or substance
2 27 abuse, provided that detention in a jail or other facility
2 28 intended for confinement of those accused or convicted of crime
2 29 shall not be ordered.

2 30 4. If the respondent is detained pursuant to subsection
2 31 3, paragraph "b" or "c", hospital or facility personnel
2 32 shall accept custody of the respondent from the sheriff or
2 33 the sheriff's deputy within two hours of the respondent's
2 34 arrival at the hospital or facility if the respondent has been
2 35 evaluated by a physician within the previous six hours pursuant



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3 1 to court order and if all of the following conditions are met:

3 2 a. The hospital or facility has a bed available. The
3 3 hospital or facility shall inform the sheriff or the sheriff's
3 4 deputy within thirty minutes of arrival of the availability of
3 5 such a bed.

3 6 b. The respondent is not violent or in need of physical
3 7 restraints.

3 8 c. The hospital's or facility's capacity to provide trauma
3 9 care is not compromised.

3 10 d. The respondent does not require a health screening.

3 11 e. Acceptance of the respondent under the care of the
3 12 hospital or facility does not place the hospital or facility in
3 13 violation of the federal Emergency Medical Treatment and Active
3 14 Labor Act, 42 U.S.C. { 1395dd.

3 15 5. Upon acceptance of custody of a respondent from a
3 16 sheriff or a sheriff's deputy and the departure of the sheriff
3 17 or sheriff's deputy from the hospital or facility, neither
3 18 the hospital or facility nor any employee of the hospital or
3 19 facility shall be liable for civil damages arising out of any
3 20 violent acts committed by the respondent within or outside
3 21 of the hospital or facility or the respondent's escape or
3 22 attempted escape from the hospital or facility.

3 23 ~~2.~~ 6. The clerk shall furnish copies of any orders to
3 24 the respondent and to the applicant if the applicant files a
3 25 written waiver signed by the respondent.

3 26 Sec. 3. Section 229.22, subsection 2, paragraph a, Code
3 27 Supplement 2009, is amended to read as follows:

3 28 a. In the circumstances described in subsection 1, any
3 29 peace officer who has reasonable grounds to believe that a
3 30 person is mentally ill, and because of that illness is likely
3 31 to physically injure the person's self or others if not
3 32 immediately detained, may without a warrant take or cause that
3 33 person to be taken to the nearest available facility as defined
3 34 in section 229.11, subsection ~~1~~ 3, paragraphs "b" and "c". A
3 35 person believed mentally ill, and likely to injure the person's



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4 1 self or others if not immediately detained, may be delivered
4 2 to a hospital by someone other than a peace officer. Upon
4 3 delivery of the person believed mentally ill to the hospital,
4 4 the examining physician may order treatment of that person,
4 5 including chemotherapy, but only to the extent necessary to
4 6 preserve the person's life or to appropriately control behavior
4 7 by the person which is likely to result in physical injury
4 8 to that person or others if allowed to continue. The peace
4 9 officer who took the person into custody, or other party
4 10 who brought the person to the hospital, shall describe the
4 11 circumstances of the matter to the examining physician. If the
4 12 person is a peace officer, the peace officer may do so either
4 13 in person or by written report. If the examining physician
4 14 finds that there is reason to believe that the person is
4 15 seriously mentally impaired, and because of that impairment is
4 16 likely to physically injure the person's self or others if not
4 17 immediately detained, the examining physician shall at once
4 18 communicate with the nearest available magistrate as defined in
4 19 section 801.4, subsection 10. The magistrate shall, based upon
4 20 the circumstances described by the examining physician, give
4 21 the examining physician oral instructions either directing that
4 22 the person be released forthwith or authorizing the person's
4 23 detention in an appropriate facility. The magistrate may also
4 24 give oral instructions and order that the detained person be
4 25 transported to an appropriate facility.

4 26 EXPLANATION

4 27 This bill relates to the detention of a person taken into
4 28 immediate custody in an involuntary hospitalization proceeding.
4 29 The bill provides that if a respondent who is the subject
4 30 of an involuntary hospitalization proceeding has been taken
4 31 into immediate custody and detained in a hospital or facility,
4 32 hospital or facility personnel shall accept custody of the
4 33 respondent from the sheriff or the sheriff's deputy within two
4 34 hours of the respondent's arrival at the hospital or facility
4 35 if the respondent has been evaluated by a physician within the



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5 1 previous six hours pursuant to court order and if the hospital
5 2 or facility has a bed available with notice of availability
5 3 to be made within 30 minutes of the sheriff's arrival at the
5 4 hospital or facility, the respondent is not violent or in need
5 5 of physical restraints, the hospital's or facility's capacity
5 6 to provide trauma care is not compromised, the respondent
5 7 does not require a health screening, and acceptance of the
5 8 respondent under the care of the hospital or facility does not
5 9 place the hospital or facility in violation of the federal
5 10 Emergency Medical Treatment and Active Labor Act.

5 11 The bill provides that upon acceptance of custody of a
5 12 respondent from a sheriff or a sheriff's deputy and the
5 13 departure of the sheriff or sheriff's deputy from the
5 14 hospital or facility, neither the hospital or facility nor
5 15 any employee of the hospital or facility shall be liable for
5 16 civil damages arising out of any violent acts committed by the
5 17 respondent within or outside of the hospital or facility or the
5 18 respondent's escape or attempted escape from such hospital or
5 19 facility.

LSB 1883SV (2) 83

rh/rj



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Senate Study Bill 3100

SENATE FILE

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON RIELLY)

A BILL FOR

1 An Act relating to pilot projects for electronic registration
2 and titling of vehicles.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5701XC (4) 83
dea/nh



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Senate Study Bill 3100 continued

PAG LIN

1 1 Section 1. ELECTRONIC VEHICLE REGISTRATION AND TITLING
1 2 PILOT PROJECTS == REPORT.
1 3 1. For the period beginning January 1, 2011, and ending
1 4 December 31, 2011, the department of transportation shall
1 5 establish and administer pilot projects in at least three
1 6 counties to allow electronic transactions for the registration
1 7 and titling of vehicles, including electronic applications,
1 8 electronic issuance of titles, electronic registration,
1 9 and electronic transfer of funds. The department shall
1 10 solicit county participation in the pilot projects and shall
1 11 designate the counties to be included from among the counties
1 12 volunteering to participate, provided that a county shall not
1 13 be required to participate in a pilot project.
1 14 2. The department may contract with one or more persons to
1 15 provide services for the pilot projects, including services
1 16 relating to the distribution and processing of electronic
1 17 applications, electronic titles, and electronic registrations;
1 18 the electronic transfer of documents; and electronic transfer
1 19 of funds, subject to the following conditions:
1 20 a. The department shall not provide compensation to a person
1 21 for services provided under the contract.
1 22 b. A person providing services under the contract may charge
1 23 reasonable fees to motor vehicle dealers licensed under chapter
1 24 322 who choose to participate in a pilot project.
1 25 c. A participating motor vehicle dealer licensed under
1 26 chapter 322 may charge a reasonable fee to consumers who choose
1 27 to participate in a pilot project.
1 28 3. On or before December 31, 2011, the department,
1 29 in consultation with counties and motor vehicle dealers
1 30 participating in the pilot projects, shall submit a report
1 31 of its recommendations for statewide implementation of
1 32 electronic registration and titling to the general assembly's
1 33 standing committees on transportation. The report shall
1 34 include a summary of any comments or suggestions submitted by
1 35 participating counties and motor vehicle dealers for inclusion



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Senate Study Bill 3100 continued

2 1 in the report.

2 2 EXPLANATION

2 3 This bill requires the department of transportation to
2 4 establish and administer pilot projects in at least three
2 5 counties to allow electronic applications for vehicle
2 6 registration and titling, to allow electronic titling and
2 7 registration, and to allow electronic transfer of funds in such
2 8 transactions. The pilot projects are to run for the period
2 9 beginning January 1, 2011, and ending December 31, 2011. The
2 10 department is to designate counties to participate in the pilot
2 11 projects from among those interested in participating. County
2 12 participation is on a voluntary basis.

2 13 The department is authorized to enter into contracts with
2 14 vendors for the provision of services for the pilot projects
2 15 relating to the distribution and processing of electronic
2 16 applications, electronic titles, and electronic registrations;
2 17 the electronic transfer of documents; and electronic transfer
2 18 of funds. A vendor providing services under such a contract
2 19 shall not be compensated by the department, but the person may
2 20 charge reasonable fees to motor vehicle dealers who choose
2 21 to participate in a pilot project, and a participating motor
2 22 vehicle dealer may, in turn, charge a reasonable fee to
2 23 customers who choose to participate.

2 24 The bill does not affect the disposition of any moneys and
2 25 fees required to be collected under existing law.

2 26 The department is required to report to the house and senate
2 27 standing committees on transportation by December 31, 2011,
2 28 regarding statewide implementation of electronic registration
2 29 and titling. The report is to include a summary of any
2 30 comments or suggestions offered by counties and motor vehicle
2 31 dealers who participate in the pilot projects.

LSB 5701XC (4) 83

dea/nh



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Senate Study Bill 3101

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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Senate Study Bill 3101 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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Senate Study Bill 3102

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

A BILL FOR

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



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Senate Study Bill 3102 continued

PAG LIN

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

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

EXPLANATION

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

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



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Senate Study Bill 3102 continued

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

LSB 5549XC (2) 83

av/nh