



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## House Amendment 8163

PAG LIN

- 1 1 Amend House File 2324 as follows:
- 1 2 #1. Page 2, by striking lines 28 through 33.
- 1 3 #2. Title page, by striking lines 2 through 4 and
- 1 4 inserting <for common ownership and management of the
- 1 5 operations, and including effective date>
- 1 6 #3. By renumbering as necessary.

ZIRKELBACH of Jones  
HF2324.1253 (1) 83  
av/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House Amendment 8164**

PAG LIN

1 1 Amend House File 2402 as follows:  
1 2 #1. Page 1, line 3, after <135.40,> by inserting  
1 3 <and the American heart association,>

T. OLSON of Linn  
HF2402.1092 (2) 83  
pf/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## House Amendment 8165

PAG LIN

1 1 Amend House File 2324 as follows:  
1 2 #1. Page 2, line 32, by striking <is not required  
1 3 to> and inserting <shall>  
1 4 #2. Page 2, line 33, after <section> by inserting  
1 5 <by December 21, 2011>  
1 6 #3. Page 2, after line 33 by inserting:  
1 7 <Sec. \_\_\_\_ . Section 459.314, Code Supplement 2009,  
1 8 is amended by adding the following new subsection:  
1 9 NEW SUBSECTION. 3. However, until December 21,  
1 10 2011, except as otherwise provided in subsection  
1 11 2, paragraph "a" or "b", a person shall not apply  
1 12 manure on land located within four hundred feet from  
1 13 a designated area and notwithstanding subsection 2,  
1 14 paragraph "c", the department may adopt rules providing  
1 15 for an increased separation distance requirement for  
1 16 the application of manure located in proximity to a  
1 17 high-quality water resource that is no more than one  
1 18 thousand six hundred feet from a designated area.>  
1 19 #4. By renumbering as necessary.

KUHN of Floyd  
HF2324.1291 (2) 83  
av/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## House Amendment 8166

PAG LIN

- 1 1 Amend House File 2467 as follows:
- 1 2 #1. Page 1, by striking lines 1 through 6.
- 1 3 #2. Page 1, line 18, after <of> by inserting <the>
- 1 4 #3. By renumbering as necessary.

QUIRK of Chickasaw  
HF2467.1235 (1) 83  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Amendment 8167

PAG LIN

1 1 Amend House File 2348 as follows:  
1 2 #1. Page 6, after line 15 by inserting:  
1 3 <Sec. \_\_\_\_\_. NEW SECTION. 435.26B Affidavit in lieu  
1 4 of surrender of certificate of title == manufactured and  
1 5 mobile homes.  
1 6 1. If there is no record that a certificate of  
1 7 title has been issued or surrendered for a manufactured  
1 8 home or mobile home that is located outside a  
1 9 manufactured home community or mobile home park, that  
1 10 has been converted to real estate by being placed  
1 11 on a permanent foundation, and that is entered on  
1 12 the tax rolls, the owner may effectuate a surrender  
1 13 of the certificate of title by recording with the  
1 14 county recorder an affidavit that includes all of the  
1 15 following:  
1 16 a. The full legal name, Iowa driver's license  
1 17 number or Iowa nonoperator's identification card  
1 18 number, bona fide residence, and mailing address of  
1 19 the owner, and any other identification information  
1 20 required by the state department of transportation.  
1 21 If the owner is a firm, association, or corporation,  
1 22 the affidavit shall contain the bona fide business  
1 23 address and federal employer identification number of  
1 24 the owner.  
1 25 b. A description of the manufactured or mobile  
1 26 home including, insofar as the specified data may  
1 27 exist with respect to a manufactured or mobile home,  
1 28 the manufacturer, model, year of manufacture, and  
1 29 identification number or other assigned number.  
1 30 c. A statement of the affiant's title or ownership  
1 31 interest and a statement of all liens, encumbrances,  
1 32 or security interest upon the manufactured or mobile  
1 33 home, including the names and mailing addresses of  
1 34 all persons having any such liens, encumbrances, or  
1 35 security interests.  
1 36 d. A statement of any facts or information known to  
1 37 the affiant that could affect the validity of title or  
1 38 the existence or validity of any lien, encumbrance, or  
1 39 security interest on the manufactured or mobile home.  
1 40 e. The name and address of the person from whom the  
1 41 owner purchased or acquired the manufactured or mobile  
1 42 home, including information related to the location and  
1 43 date of purchase or acquisition.  
1 44 f. The affidavit shall also include an attached  
1 45 written opinion of an attorney licensed in this  
1 46 state that certifies marketable record title to the  
1 47 manufactured or mobile home.  
1 48 g. A statement that the manufactured or mobile home  
1 49 is located outside a manufactured home community or  
1 50 mobile home park, has been converted to real estate by



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Amendment 8167 continued

2 1 being placed on a permanent foundation, and has been  
2 2 entered on the tax rolls. This statement shall be  
2 3 endorsed by the city or county assessor, as applicable,  
2 4 and include the legal description of the real property  
2 5 upon which the manufactured or mobile home is situated.  
2 6 h. A statement that the owner has made a diligent  
2 7 search and inquiry but has been unable to locate  
2 8 and produce a manufacturer's certificate of origin  
2 9 or a certificate of title for the manufactured or  
2 10 mobile home and that the owner has no knowledge that  
2 11 a certificate of title has previously been issued or  
2 12 surrendered for the manufactured or mobile home.  
2 13 i. (1) An endorsement by the state department  
2 14 of transportation that the department has searched  
2 15 its records and has no record of a certificate of  
2 16 title or a surrender of a certificate of title for the  
2 17 manufactured or mobile home and that the department  
2 18 has no record of any ownership interest contrary  
2 19 to the ownership interest asserted by the affiant.  
2 20 The endorsement shall also specify that the state  
2 21 department of transportation is unable to identify any  
2 22 lien, encumbrance, or security interest contrary to  
2 23 those specified by the affiant.  
2 24 (2) The state department of transportation shall  
2 25 not conduct any search of records or provide any  
2 26 endorsement until the affidavit has been completed,  
2 27 executed, and endorsed pursuant to paragraphs "a"  
2 28 through "h" and the affiant has paid a fee not to  
2 29 exceed two hundred dollars. The state department of  
2 30 transportation shall set the amount of the fee by rule.  
2 31 (3) Following endorsement of the affidavit, the  
2 32 state department of transportation shall return the  
2 33 affidavit to the owner for recording.  
2 34 (4) If the state department of transportation  
2 35 has endorsed an affidavit, the department shall not  
2 36 issue a certificate of title for the manufactured or  
2 37 mobile home unless the manufactured or mobile home is  
2 38 reconverted under section 435.27.  
2 39 2. Recording the affidavit with all necessary  
2 40 endorsements and attachments shall establish the  
2 41 surrender of the certificate of title.  
2 42 3. After the surrender of the certificate of title  
2 43 under this section, a conveyance of an interest in  
2 44 the manufactured or mobile home shall not require a  
2 45 transfer of title if the manufactured or mobile home  
2 46 remains located on the same real property that is  
2 47 identified in the affidavit under subsection 2.  
2 48 4. A foreclosure action on a manufactured or mobile  
2 49 home for which the certificate of title was surrendered  
2 50 under this section shall be conducted as a real estate



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Amendment 8167 continued

3 1 foreclosure.  
3 2 5. A tax lien and its priority shall not be  
3 3 modified as a result of a surrender of title under this  
3 4 section.  
3 5 6. The state department of transportation shall  
3 6 adopt rules under chapter 17A to implement this  
3 7 section. The rules adopted by the state department of  
3 8 transportation shall include a standardized form for an  
3 9 affidavit required under this section.>  
3 10 #2. Page 6, after line 23 by inserting:  
3 11 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This Act,  
3 12 being deemed of immediate importance, takes effect upon  
3 13 enactment.>  
3 14 #3. Title page, by striking line 4 and inserting  
3 15 <home dealers, establishing titling procedures for  
3 16 certain manufactured and mobile homes, making penalties  
3 17 applicable, and including effective date provisions.>  
3 18 #4. By renumbering as necessary.

HUSER of Polk  
HF2348.1182 (2) 83  
md/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Amendment 8168

PAG LIN

1 1 Amend House File 2492 as follows:  
1 2 #1. Page 20, after line 31 by inserting:  
1 3 <Sec. \_\_\_\_ . DEPARTMENT OF EDUCATION == AUTHORIZING  
1 4 FUND TRANSFERS == VALIDATION AND RETROACTIVE  
1 5 APPLICABILITY.  
1 6 1. a. Notwithstanding any other statute or rule  
1 7 of law to the contrary, if a school district whose  
1 8 accreditation was removed by action of the state board  
1 9 of education effective July 1, 2008, had a negative  
1 10 fund balance in its general fund at the end of the  
1 11 school budget year beginning July 1, 2007, the director  
1 12 of the department of education is authorized to and  
1 13 shall approve by August 1, 2010, the transfer of any  
1 14 positive balance from one or more funds of the school  
1 15 district to the school district's general fund for the  
1 16 school budget year beginning July 1, 2007, and the  
1 17 transfer made is hereby validated and to that extent,  
1 18 this Act applies retroactively to July 1, 2007.  
1 19 b. On the date on which the director of the  
1 20 department of education approves the transfer of funds  
1 21 pursuant to this subsection, the department shall  
1 22 provide notice of the approval of the funds transferred  
1 23 pursuant to this subsection to the boards of directors  
1 24 of the school districts to which the former school  
1 25 district's territory was merged and shall transmit to  
1 26 the state board of education a record of the approval  
1 27 of the funds transferred pursuant to this subsection.  
1 28 2. The board of directors of a school district to  
1 29 which the former school district's territory was merged  
1 30 shall be exempted from any liability resulting from  
1 31 the action taken by the director of the department of  
1 32 education pursuant to subsection 1 if the school board,  
1 33 within 30 days of the date on which the director of  
1 34 the department of education took action pursuant to  
1 35 subsection 1, adopts a resolution to accept the action  
1 36 taken by the director pursuant to subsection 1.>  
1 37 #2. Page 21, after line 7 by inserting:  
1 38 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. The section  
1 39 of this Act providing for authorization and validation  
1 40 of fund transfers by the department of education, being  
1 41 deemed of immediate importance, takes effect upon  
1 42 enactment.>  
1 43 #3. Title page, line 2, after <boards> by inserting  
1 44 <and including effective date, validation, and  
1 45 retroactive applicability provisions>

ARNOLD of Lucas  
HF2492.1290 (3) 83  
kh/sc



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

**House Amendment 8169**

PAG LIN

1 1 Amend House File 2470 as follows:  
 1 2 #1. Page 1, line 32, after <identification> by  
 1 3 inserting <unless the precinct election official has  
 1 4 reasonable doubt as to the prospective voter's claim  
 1 5 of identity>  
 1 6 #2. Page 2, before line 3 by inserting:  
 1 7 <Sec. \_\_\_\_ . Section 49.81, subsection 1, Code 2009,  
 1 8 is amended to read as follows:  
 1 9 1. a. A prospective voter who is prohibited under  
 1 10 section 48A.8, subsection 4, section 49.77, subsection  
 1 11 4, or section 49.80 from voting except under this  
 1 12 section shall be notified by the appropriate precinct  
 1 13 election official that the voter may cast a provisional  
 1 14 ballot.  
 1 15 b. If a booth meeting the requirement of section  
 1 16 49.25 is not available at that polling place, the  
 1 17 precinct election officials shall make alternative  
 1 18 arrangements to insure the voter the opportunity to  
 1 19 vote in secret. The voter shall mark the ballot, fold  
 1 20 it or insert it in a secrecy envelope as required by  
 1 21 section 49.84, and immediately seal it in an envelope  
 1 22 of the type prescribed by subsection 4. The voter  
 1 23 shall deliver the sealed envelope to a precinct  
 1 24 election official who shall deposit it in an envelope  
 1 25 marked "provisional ballots". The ballot shall be  
 1 26 considered as having been cast in the special precinct  
 1 27 established by section 53.20 for purposes of the  
 1 28 postelection canvass.>  
 1 29 #3. Page 2, by striking lines 5 through 7 and  
 1 30 inserting:  
 1 31 NEW UNNUMBERED PARAGRAPH An election official  
 1 32 shall not prevent persons appointed under subsections 2  
 1 33 and 5 from advocating that a prospective voter receive  
 1 34 a provisional ballot if the election official has  
 1 35 determined that the prospective voter is prohibited  
 1 36 from casting a ballot in the usual manner for the  
 1 37 reasons specified in section 49.79 or section 49.81,  
 1 38 subsection 1, paragraph "a".>  
 1 39 #4. Page 5, by striking lines 5 through 10.  
 1 40 #5. By renumbering as necessary.

GASKILL of Wapello  
 HF2470.1233 (2) 83  
 sc/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

# House Amendment 8170

PAG LIN

1 1 Amend House File 2463 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. Section 231C.3, subsection 4, paragraph  
1 5 a, Code Supplement 2009, is amended by striking the  
1 6 paragraph and inserting in lieu thereof the following:  
1 7 a. For the purposes of determining whether a  
1 8 housing provider is an assisted living program  
1 9 regulated by this chapter, services are provided with  
1 10 housing if the services are provided directly by the  
1 11 housing provider, through a contractual relationship  
1 12 between the housing provider and a third party, or by  
1 13 a third party that controls, is controlled by, or is  
1 14 under common control with the housing provider.  
1 15 Sec. 2. Section 231C.4, Code 2009, is amended to  
1 16 read as follows:  
1 17 231C.4 Fire and safety standards.  
1 18 1. The state fire marshal shall adopt rules, in  
1 19 coordination with the department, relating to the  
1 20 certification and monitoring of the fire and safety  
1 21 standards of certified assisted living programs.  
1 22 2. A certified assisted living program that does  
1 23 not comply with the fire and safety standards in effect  
1 24 on July 1, 2009, regarding a working sprinkler system,  
1 25 shall comply with such requirements no later than July  
1 26 1, 2013.  
1 27 Sec. 3. Section 231C.7, subsection 1, Code 2009, is  
1 28 amended to read as follows:  
1 29 1. Any person with concerns regarding  
1 30 the operations or service delivery of ~~an~~ a  
1 31 certified assisted living program or the alleged  
1 32 operations of an uncertified program in violation  
1 33 of this chapter or rules adopted pursuant to this  
1 34 chapter may file a complaint with the department. The  
1 35 name of the person who files a complaint with the  
1 36 department and any personal identifying information of  
1 37 the person or any tenant identified in the complaint  
1 38 shall be kept confidential and shall not be subject to  
1 39 discovery, subpoena, or other means of legal compulsion  
1 40 for its release to a person other than department  
1 41 employees involved with the complaint.  
1 42 Sec. 4. Section 231C.7, Code 2009, is amended by  
1 43 adding the following new subsection:  
1 44 NEW SUBSECTION. 3. The department may initiate  
1 45 proceedings under this chapter upon complaint or on its  
1 46 own initiative upon receipt of information suggesting  
1 47 a violation of this chapter, rules adopted pursuant  
1 48 to this chapter, or administrative or judicial orders  
1 49 issued under this chapter. The department may conduct  
1 50 investigations as necessary to determine whether



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Amendment 8170 continued

2 1 probable cause exists to initiate administrative or  
2 2 other proceedings under this chapter.  
2 3 Sec. 5. Section 231C.9, Code 2009, is amended to  
2 4 read as follows:  
2 5 231C.9 Public disclosure of findings.  
2 6 Upon completion of a monitoring evaluation or  
2 7 complaint investigation of an assisted living program  
2 8 certified under this chapter or an investigation of  
2 9 an uncertified program alleged to be operating in  
2 10 violation of this chapter by the department pursuant  
2 11 to this chapter, including the conclusion of informal  
2 12 review, the department's final findings with respect  
2 13 to compliance by the assisted living program with  
2 14 requirements for certification or the uncertified  
2 15 program's compliance with this chapter shall be made  
2 16 available to the public in a readily available form  
2 17 and place. Other information relating to an assisted  
2 18 living program certified under this chapter or an  
2 19 uncertified program that is obtained by the department  
2 20 which does not constitute the department's final  
2 21 findings from a monitoring evaluation or complaint  
2 22 investigation of the certified assisted living program  
2 23 or an investigation of an uncertified program shall not  
2 24 be made available to the public except in proceedings  
2 25 involving the denial, suspension, or revocation of  
2 26 a certificate under this chapter; the issuance of a  
2 27 cease and desist order or an administrative proceeding  
2 28 under section 231C.13A; or a proceeding under section  
2 29 231C.13B or 231C.15.  
2 30 Sec. 6. NEW SECTION. 231C.13A Uncertified or  
2 31 decertifying program == cease and desist orders ==  
2 32 injunctive and other relief.  
2 33 1. If, as a result of an investigation of an  
2 34 uncertified program or a program in the process of  
2 35 decertifying, including an investigation under section  
2 36 231C.7, the department or the attorney general believes  
2 37 that a person has engaged in or is about to engage in  
2 38 an act or practice which constitutes or will constitute  
2 39 a violation of this chapter, rules adopted pursuant to  
2 40 this chapter, or orders issued under this chapter, the  
2 41 department or the attorney general may petition the  
2 42 district court for injunctive relief to enjoin such act  
2 43 or practice by the person and, if necessary to assure  
2 44 effective relief, by the person's employees, owners,  
2 45 managers, officers, directors, or other agents, and  
2 46 those related to or affiliated with the person. Upon  
2 47 a proper showing by the department or the attorney  
2 48 general that such person has engaged in or is about  
2 49 to engage in any such act or practice, the district  
2 50 court shall grant an injunction, restraining order, or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Amendment 8170 continued

3 1 other appropriate injunctive relief. The department or  
3 2 the attorney general shall not be required to post a  
3 3 bond to obtain injunctive relief under this subsection.  
3 4 In addition, the court may order equitable relief as  
3 5 necessary to protect the health, safety, and welfare of  
3 6 tenants, including the appointment of a receiver.  
3 7 2. a. In addition to or as an alternative to  
3 8 seeking injunctive relief under subsection 1 or  
3 9 injunctive relief or a criminal penalty under section  
3 10 231C.15, the department may issue an administrative  
3 11 order to any person the department believes has engaged  
3 12 in or is about to engage in an act or practice which  
3 13 constitutes or will constitute a violation of this  
3 14 chapter, rules adopted pursuant to this chapter, or  
3 15 orders issued under this chapter, requiring the person  
3 16 to cease and desist from engaging in such act or  
3 17 practice.  
3 18 b. The cease and desist order may be served by  
3 19 restricted certified mail, return receipt requested,  
3 20 by personal service as provided under the Iowa rules  
3 21 of civil procedure, or by acceptance of service by the  
3 22 person or the person's counsel.  
3 23 c. The order shall be effective from the date of  
3 24 service if grounds for an emergency order exist under  
3 25 section 17A.18A.  
3 26 d. A person aggrieved by the order who wishes  
3 27 to challenge the terms of the order shall request a  
3 28 hearing within thirty days of service of the order.  
3 29 The order shall describe the person's right to request  
3 30 such a hearing.  
3 31 e. If a hearing is not timely requested, the person  
3 32 shall be deemed to have exhausted all administrative  
3 33 remedies, and the order shall be the department's final  
3 34 agency action by operation of law.  
3 35 f. If a hearing is timely requested, the department  
3 36 shall issue separate notice of hearing for a contested  
3 37 case consistent with the provisions of chapter 17A.  
3 38 g. A person aggrieved by the department's final  
3 39 agency decision following a contested case may seek  
3 40 judicial review under chapter 17A.  
3 41 h. (1) If a person does not comply with a cease  
3 42 and desist order, the department may petition the  
3 43 district court in Polk County or in the county where  
3 44 the person may be located, to enforce the order.  
3 45 (2) The court shall not require the department  
3 46 to post a bond in an action or proceeding under this  
3 47 paragraph "h".  
3 48 (3) If the court finds, after notice and  
3 49 opportunity for hearing, that the person is not in  
3 50 compliance with an order, the court may hold the person



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Amendment 8170 continued

4 1 in civil contempt of the order. The court may impose  
4 2 a civil penalty against the person for contempt in an  
4 3 amount not less than three thousand dollars but not to  
4 4 exceed ten thousand dollars for each violation and may  
4 5 grant any other relief the court determines just and  
4 6 proper in the circumstances.  
4 7 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being  
4 8 deemed of immediate importance, takes effect upon  
4 9 enactment.>  
4 10 #2. Title page, by striking lines 1 through 3 and  
4 11 inserting <An Act relating to assisted living programs,  
4 12 providing penalties, and including effective date  
4 13 provisions.>

ISENHART of Dubuque  
HF2463.1286 (3) 83  
pf/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2480 - Introduced**

HOUSE FILE  
BY COMMITTEE ON ECONOMIC  
GROWTH

(SUCCESSOR TO HSB 680)

**A BILL FOR**

1 An Act authorizing creation of sales tax bonding districts and  
2 providing for the issuance of bonds secured by certain tax  
3 revenues collected within a district.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5008HV (3) 83  
tw/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

PAG LIN

1 1 Section 1. Section 15F.103, Code 2009, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 5. Review, evaluate, and approve proposed  
1 4 and amended plans for sales tax bonding districts pursuant to  
1 5 sections 418.4 and 418.5.  
1 6 Sec. 2. NEW SECTION. 418.1 Short title.  
1 7 This chapter shall be known and cited as "The Sales Tax  
1 8 Bonding Act".  
1 9 Sec. 3. NEW SECTION. 418.2 Definitions.  
1 10 For purposes of this chapter, unless the context otherwise  
1 11 requires:  
1 12 1. "Base year" means the fiscal year ending during the  
1 13 calendar year in which an ordinance establishing a sales tax  
1 14 bonding district is adopted pursuant to the provisions of this  
1 15 chapter.  
1 16 2. "Board" means the vision Iowa board created pursuant to  
1 17 section 15F.102.  
1 18 3. "Sales tax" means the sales and services tax imposed  
1 19 pursuant to section 423.2 or a tax imposed by a municipality  
1 20 upon the sales price of the rental of lodging pursuant to  
1 21 chapter 423A or upon the sales price of the sale or rental of  
1 22 personal property and the furnishing of services pursuant to  
1 23 chapter 423B.  
1 24 4. "Designated portion" means the amount of an increment  
1 25 that a municipality has authorized by resolution to be expended  
1 26 for one or more of the purposes described in this chapter.  
1 27 5. "District" means an area within an eligible municipality  
1 28 designated as a sales tax bonding district pursuant to section  
1 29 418.4.  
1 30 6. "Eligible municipality" means a municipality meeting the  
1 31 requirements of section 418.3.  
1 32 7. "Fund" means the sales tax increment fund created  
1 33 pursuant to section 418.7.  
1 34 8. "Governing body" means the board of supervisors, city  
1 35 council, or other body in which the legislative powers of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

2 1 municipality are vested.  
2 2 9. "Increment" means the amount of a district's sales tax  
2 3 receipts that is in excess of the amount of that district's  
2 4 sales tax receipts for the same quarter in the base year, as  
2 5 calculated by the department of revenue pursuant to section  
2 6 418.6.  
2 7 10. "Lessor" has the same meaning as defined in section  
2 8 423A.2.  
2 9 11. "Lodging" has the same meaning as defined in section  
2 10 423A.2.  
2 11 12. "Municipality" means a county or an incorporated city.  
2 12 13. "Project" means a vertical improvement to be constructed  
2 13 or improved within a district financed pursuant to this  
2 14 chapter.  
2 15 14. "Retail establishment" means a business operated by a  
2 16 retailer as defined in section 423.1.  
2 17 15. "Transportation infrastructure" means structures and  
2 18 other improvements used to convey people or goods from point to  
2 19 point for purposes of commerce or recreation and includes but  
2 20 is not limited to highways, roads, streets, alleys, railways,  
2 21 and bike paths.  
2 22 16. "Vacant land" means land in a proposed district that is  
2 23 not occupied by a vertical improvement.  
2 24 17. "Vertical improvement" means a structure that is wholly  
2 25 or partially above ground. Vertical improvement includes  
2 26 buildings and other appurtenant structures.  
2 27 18. "Waterway" means a navigable body of water and includes  
2 28 but is not limited to streams, rivers, lakes, ponds, and  
2 29 canals.  
2 30 Sec. 4. NEW SECTION. 418.3 Eligible municipalities.  
2 31 1. A municipality meeting the requirements of this section  
2 32 shall be eligible to establish a district pursuant to section  
2 33 418.4 and to issue bonds pursuant to section 418.9.  
2 34 2. To be eligible, a municipality shall demonstrate the  
2 35 existence of all of the following conditions:



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2480 - Introduced continued

3 1 a. An area suitable for development exists within  
3 2 the boundaries of the municipality. To be suitable for  
3 3 development, the area shall meet all of the following  
3 4 requirements:

3 5 (1) The area shall consist of four hundred or more  
3 6 contiguous acres of land that are entirely within the  
3 7 boundaries of the municipality. An area may be bisected  
3 8 by transportation infrastructure or waterways and still be  
3 9 considered contiguous.

3 10 (2) At least ninety percent of the land in the area shall  
3 11 be vacant land.

3 12 (3) The area shall consist only of parcels of real property  
3 13 that the governing body determines will be directly and  
3 14 substantially benefited by the proposed district.

3 15 (4) The area shall not include any part of a quality  
3 16 jobs enterprise zone designated pursuant to section 15A.9 or  
3 17 any part of an economic development enterprise zone created  
3 18 pursuant to section 15E.192.

3 19 b. A proposed plan for the district has been developed. The  
3 20 proposed plan shall meet the requirements of section 418.4.

3 21 Sec. 5. NEW SECTION. 418.4 District establishment.

3 22 1. The governing body of an eligible municipality may  
3 23 by ordinance establish a district for purposes of financing  
3 24 projects pursuant to this chapter.

3 25 2. a. A municipality seeking to establish a district  
3 26 shall adopt a resolution finding that an area suitable for  
3 27 development exists within the municipality and stating the  
3 28 governing body's intent to create a sales tax bonding district  
3 29 and adopt a plan for the district. The resolution shall  
3 30 include a proposed district plan. The proposed district plan  
3 31 shall include all of the following:

3 32 (1) A legal description of the real estate forming the  
3 33 boundaries of the area to be encompassed by the district along  
3 34 with a map depicting the existing parcels of real estate within  
3 35 the proposed district.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

4 1 (2) A list of the names and addresses of the owners of  
4 2 record of the parcels to be included within the district.  
4 3 (3) A list of all projects proposed to be undertaken within  
4 4 the district, a detailed description of those projects, and a  
4 5 project plan for each project. Each project included in the  
4 6 list of projects shall independently meet the requirements of  
4 7 section 418.5.  
4 8 (4) An economic impact study conducted by an independent  
4 9 economist retained by the municipality.  
4 10 (5) The date and time of a public hearing to be conducted by  
4 11 the municipality on the proposed plan and establishment of the  
4 12 proposed district.  
4 13 b. The projects listed in the proposed plan pursuant to  
4 14 paragraph "a", subparagraph (3), shall, in combination, do all  
4 15 of the following:  
4 16 (1) Total a capital investment of fifty million dollars.  
4 17 (2) Create at least two hundred permanent new jobs.  
4 18 (3) Generate at least twenty-five million dollars in annual  
4 19 gross revenue.  
4 20 c. The economic impact study required in paragraph "a",  
4 21 subparagraph (4), shall, at a minimum, do all of the following:  
4 22 (1) Contain a detailed analysis of the financial benefit  
4 23 of the proposed district to the economy of the state and the  
4 24 municipality.  
4 25 (2) Identify a projected market area within which the  
4 26 district can reasonably be expected to have an economic impact.  
4 27 (3) Assess the fiscal and financial impact of the proposed  
4 28 district on other economic development projects or businesses  
4 29 within the projected market area.  
4 30 3. Notice of the public hearing, along with a copy of  
4 31 the resolution and a summary of the proposed plan, shall be  
4 32 published pursuant to section 331.305 or 362.3, as applicable.  
4 33 Upon the conclusion of the public hearing, the governing body  
4 34 of the municipality may adopt the initial proposed plan or an  
4 35 amended proposed plan for the district.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

5 1 4. a. The municipality shall submit a copy of the  
5 2 resolution, proposed plan, and accompanying materials adopted  
5 3 pursuant to this section to the board for review and approval.  
5 4 b. The board shall evaluate the municipality's proposed  
5 5 plan for the district and shall approve the establishment of  
5 6 the district if the board determines that both of the following  
5 7 conditions are met:  
5 8 (1) The municipality is an eligible municipality pursuant  
5 9 to section 418.3.  
5 10 (2) Projects completed within the district will have a  
5 11 substantial beneficial impact on the economy of the state and  
5 12 the municipality.  
5 13 5. Upon receiving the approval of the board, a municipality  
5 14 seeking to establish a district may adopt an ordinance  
5 15 establishing the district and shall notify the director of  
5 16 revenue of the establishment of the district.  
5 17 Sec. 6. NEW SECTION. 418.5 Project approval.  
5 18 1. A municipality may use the moneys in the special fund  
5 19 created by a municipality pursuant to section 418.8 to fund the  
5 20 development of projects within a district established pursuant  
5 21 to section 418.4 if such projects meet the requirements of this  
5 22 section.  
5 23 2. A municipality may amend the district plan to add  
5 24 additional projects. All such additional projects are subject  
5 25 to approval by the board.  
5 26 3. a. For each project to be developed within the district,  
5 27 the municipality shall submit a project plan to the board.  
5 28 b. Each project plan shall include a project feasibility  
5 29 study conducted by an independent professional with expertise  
5 30 in economic development and public finance. The feasibility  
5 31 study shall project and analyze the following:  
5 32 (1) The amount of gross revenues expected to be collected  
5 33 in the district as a result of the project for each year of the  
5 34 bond maturation period.  
5 35 (2) A detailed explanation of the manner and extent to which



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

6 1 the project will contribute to the economic development of the  
6 2 state and the municipality.

6 3 (3) An estimate of the number of visitors or customers the  
6 4 project will generate during each year of the bond maturation  
6 5 period.

6 6 (4) A description of the unique characteristics of the  
6 7 project.

6 8 (5) An analysis of the project's economic impact. The  
6 9 analysis shall include the same components and be conducted in  
6 10 the same manner as the economic impact study required under  
6 11 section 418.4.

6 12 c. Each project plan shall clearly state the cost of the  
6 13 project and the amount of public debt to be incurred for  
6 14 purposes of funding the project.

6 15 4. The board shall review the municipality's project  
6 16 plan and evaluate the feasibility of the project. The board  
6 17 shall approve a project plan if the plan demonstrates that the  
6 18 project will contribute significantly to the economy of the  
6 19 state and the municipality and that the project's proposed  
6 20 funding is feasible.

6 21 Sec. 7. NEW SECTION. 418.6 Increased revenue calculation.

6 22 1. The department of revenue shall calculate quarterly the  
6 23 amount of increased tax revenues to be deposited in the sales  
6 24 tax increment fund pursuant to the following provisions:

6 25 a. Section 423.2, subsection 11, paragraph "a", subparagraph  
6 26 (2).

6 27 b. Section 423A.6, subsection 4, paragraph "b".

6 28 c. Section 423B.7, subsection 1, paragraph "c".

6 29 2. The department of revenue shall calculate the amount of  
6 30 the increase for purposes of subsection 1 as follows:

6 31 a. Determine the amount of sales tax revenue collected  
6 32 in the area comprising the district during the corresponding  
6 33 quarter in the base year by adding together the following:

6 34 (1) The amount of state sales and use tax revenue collected  
6 35 by the department from retail establishments located in the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

7 1 district.  
7 2 (2) The amount of local sales and services tax revenue  
7 3 collected by the department from retail establishments located  
7 4 in the district which are distributed to the municipality  
7 5 pursuant to section 423B.7.  
7 6 (3) The amount of local hotel and motel tax revenue  
7 7 collected by the department from lessors of lodging located in  
7 8 the district.  
7 9 b. Determine the amount of sales tax revenue collected  
7 10 in the area comprising the district during the corresponding  
7 11 quarter in each subsequent calendar year by adding together the  
7 12 revenues from the same sources specified in paragraph "a".  
7 13 c. Subtract the base year quarterly amount determined in  
7 14 paragraph "a" from the subsequent calendar year quarterly  
7 15 amount determined in paragraph "b".  
7 16 d. The result of the calculation in paragraph "c", to the  
7 17 extent that the total amount of revenue in all quarters of each  
7 18 subsequent year exceeds the total amount of revenue in all  
7 19 quarters of the base year, shall constitute the total yearly  
7 20 amount of increased revenues for purposes of subsection 1.  
7 21 Sec. 8. NEW SECTION. 418.7 Sales tax increment fund.  
7 22 1. A sales tax increment fund is established in the state  
7 23 treasury under the control of the department of revenue  
7 24 consisting of the following moneys:  
7 25 a. The amount of the increased state sales and services  
7 26 tax revenues collected by the department of revenue within the  
7 27 district and deposited in the fund pursuant to section 423.2,  
7 28 subsection 11, paragraph "a", subparagraph (2).  
7 29 b. The amount of the increased local hotel and motel tax  
7 30 revenues collected by the department of revenue within the  
7 31 district and deposited in the fund pursuant to section 423A.6,  
7 32 subsection 4, paragraph "b".  
7 33 c. The amount of the increased local option sales and  
7 34 services tax revenues collected by the department of revenue  
7 35 within the district and deposited in the fund pursuant to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

8 1 section 423B.7, subsection 1, paragraph "c".  
8 2 2. The department of revenue shall credit to the fund the  
8 3 moneys described in subsection 1 beginning the first day of the  
8 4 quarter following adoption of an ordinance pursuant to section  
8 5 418.4.  
8 6 3. An account is created within the fund for each  
8 7 municipality that has established a district pursuant to  
8 8 section 418.4.  
8 9 4. a. All moneys in the accounts of the fund shall be  
8 10 remitted quarterly by the department of revenue to each  
8 11 municipality in the amount collected within the district.  
8 12 b. The department of revenue shall adopt rules for the  
8 13 remittance of moneys to municipalities.  
8 14 Sec. 9. NEW SECTION. 418.8 Special fund of municipality.  
8 15 1. Sales tax revenue received by a municipality pursuant  
8 16 to this chapter shall be deposited in a special fund of the  
8 17 municipality created for purposes of this chapter and shall be  
8 18 used to fund projects within the district and to pay principal  
8 19 and interest on bonds issued pursuant to section 418.9. If the  
8 20 municipality determines that the revenue accruing to the fund  
8 21 exceeds the amount necessary for these purposes, then moneys  
8 22 derived from a locally imposed tax not necessary for reserves  
8 23 or pledged to fund additional projects in the district shall be  
8 24 applied by the municipality in reduction of property taxes, and  
8 25 moneys derived from a state imposed tax shall be remitted by  
8 26 the municipality to the department of revenue for deposit in  
8 27 the general fund of the state.  
8 28 2. In addition to the moneys received pursuant to section  
8 29 418.7, subsection 1, a municipality may deposit in the special  
8 30 fund any other sales tax revenues received by it pursuant to  
8 31 the distribution formula in section 423B.7, subsections 3, 4,  
8 32 and 5, and any other moneys lawfully at the municipality's  
8 33 disposal.  
8 34 Sec. 10. NEW SECTION. 418.9 Bond issuance.  
8 35 1. a. A municipality receiving sales tax revenues pursuant



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

9 1 to this chapter shall have the authority to issue bonds that  
9 2 are payable from revenues deposited in the municipality's  
9 3 special fund created pursuant to section 418.8.  
9 4 b. A municipality shall have the authority to pledge  
9 5 irrevocably to the payment of the bonds an amount of revenue  
9 6 derived from the designated portions for each of the years the  
9 7 bonds remain outstanding.  
9 8 c. A municipality shall have the authority to issue bonds  
9 9 only for purposes of funding projects in the district.  
9 10 2. a. If a municipality elects to authorize the issuance of  
9 11 bonds payable as provided in this section, the governing body  
9 12 of the municipality shall follow the authorization procedures  
9 13 set forth in section 384.83.  
9 14 b. A municipality shall have the authority to issue bonds  
9 15 for the purpose of refunding outstanding and previously issued  
9 16 bonds under this subsection without otherwise complying with  
9 17 the notice and hearing provisions of this subsection.  
9 18 3. If sales taxes have been in effect for less than four  
9 19 calendar quarters, the tax collected within the shorter period  
9 20 may be adjusted to project the collections of the designated  
9 21 portion for the full year for the purpose of determining the  
9 22 amount of the bonds which may be issued.  
9 23 4. a. The provisions of this section constitute separate  
9 24 authorization for the issuance of bonds and shall prevail in  
9 25 the event of conflict with any other provision of the Code  
9 26 limiting the amount of bonds which may be issued or the source  
9 27 of payment of the bonds.  
9 28 b. Bonds issued under this section shall not limit or  
9 29 restrict the authority of the municipality to issue bonds under  
9 30 other provisions of the Code.  
9 31 5. a. Bonds issued pursuant to this section shall  
9 32 not constitute an indebtedness within the meaning of any  
9 33 constitutional or statutory debt limitation or restriction,  
9 34 and, except as otherwise provided in this section, shall not be  
9 35 subject to the provisions of any other law or charter relating



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2480 - Introduced continued

10 1 to the authorization, issuance, or sale of bonds.  
10 2     b. Bonds issued pursuant to this section are declared to be  
10 3 issued for an essential public and governmental purpose.  
10 4     c. The bonds may be issued in one or more series and shall  
10 5 comply with all of the following:  
10 6         (1) The bonds shall bear the date of issuance.  
10 7         (2) The bonds shall specify one of the following:  
10 8             (a) Whether they are payable on demand.  
10 9             (b) The time of maturity.  
10 10         (3) The bonds shall bear interest at a rate not exceeding  
10 11 that permitted by chapter 74A.  
10 12         (4) The bonds shall be in a denomination or denominations,  
10 13 be in the form, have the rank or priority, be executed in  
10 14 the manner, be payable in the medium of payment, at the  
10 15 place or places, be subject to the terms of redemption, with  
10 16 or without premium, be secured in the manner, and have the  
10 17 other characteristics, as may be provided by the resolution  
10 18 authorizing their issuance.  
10 19     d. The bonds may be sold at public or private sale at a  
10 20 price as may be determined by the governing body.  
10 21     Sec. 11. NEW SECTION. 418.10 District dissolution.  
10 22     1. a. A municipality may by ordinance provide for the  
10 23 dissolution of a district. However, a municipality shall  
10 24 not dissolve a district until the debt incurred through the  
10 25 issuance of bonds pursuant to this chapter has been retired.  
10 26     b. A district established pursuant to this chapter is  
10 27 dissolved twenty years from the date of its establishment under  
10 28 section 418.4.  
10 29     2. Upon the adoption of an ordinance pursuant to this  
10 30 section, the municipality shall notify the director of revenue  
10 31 of the dissolution of the district.  
10 32     3. Upon the receipt of notification pursuant to subsection  
10 33 2, the department of revenue shall cease to credit municipal  
10 34 sales tax revenues to the fund.  
10 35     4. Upon the dissolution of a district, the sales taxes



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

11 1 collected under chapter 423A or chapter 423B within the  
11 2 area formerly comprising the district shall be thereafter  
11 3 administered, and the tax revenues distributed to  
11 4 municipalities, in the same manner as if the district had not  
11 5 been established.

11 6 Sec. 12. Section 423.2, subsection 11, Code 2009, is amended  
11 7 to read as follows:

11 8 11. a. (1) All revenues arising under the operation of the  
11 9 provisions of this section shall be deposited into the general  
11 10 fund of the state.

11 11 (2) Subsequent to the deposit into the general fund of the  
11 12 state, the director shall credit an amount equal to four cents  
11 13 of every dollar of the amount of the increase in sales subject  
11 14 to the tax imposed under this section and made in a sales  
11 15 tax bonding district established pursuant to section 418.4,  
11 16 into an account created for that city or county in the sales  
11 17 tax increment fund created in section 418.7. The director  
11 18 shall credit the moneys beginning the first day of the quarter  
11 19 following adoption of an ordinance pursuant to section 418.4.

11 20 b. Subsequent to the deposit into the general fund of the  
11 21 state ~~and after the transfer of such~~ pursuant to paragraph "a",  
11 22 the department shall do the following in the order prescribed:

11 23 (1) Transfer the revenues collected under chapter 423B, the  
11 24 department shall transfer.

11 25 (2) Transfer one-sixth of such the remaining revenues to the  
11 26 secure an advanced vision for education fund created in section  
11 27 423F.2. This ~~paragraph~~ subparagraph is repealed December 31,  
11 28 2029.

11 29 (3) Credit that portion of the sales tax receipts described  
11 30 in paragraph "a", subparagraph (2).

11 31 Sec. 13. Section 423A.6, Code 2009, is amended to read as  
11 32 follows:

11 33 423A.6 Administration by director.

11 34 1. The director of revenue shall administer the state and  
11 35 local hotel and motel tax as nearly as possible in conjunction



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

12 1 with the administration of the state sales tax law, except that  
12 2 portion of the law which implements the streamlined sales and  
12 3 use tax agreement.

12 4 2. The director shall provide appropriate forms, or provide  
12 5 on the regular state tax forms, for reporting state and local  
12 6 hotel and motel tax liability.

12 7 3. All moneys received or refunded one hundred eighty days  
12 8 after the date on which a city or county terminates its local  
12 9 hotel and motel tax and all moneys received from the state  
12 10 hotel and motel tax shall be deposited in or withdrawn from the  
12 11 general fund of the state.

12 12 4. a. The director, in consultation with local officials,  
12 13 shall collect and account for a local hotel and motel tax ~~and~~.  
12 14 Except as provided in paragraph "b", the director shall credit  
12 15 all revenues collected under this paragraph "a" to the local  
12 16 transient guest tax fund created in section 423A.7.

12 17 b. Notwithstanding paragraph "a", the director shall  
12 18 credit the amount of the increase in local hotel and motel tax  
12 19 receipts, as computed in section 418.6, collected in a sales  
12 20 tax bonding district established pursuant to section 418.4,  
12 21 into an account created for that city or county in the sales  
12 22 tax increment fund created in section 418.7. The director  
12 23 shall deposit the tax receipts beginning the first day of the  
12 24 quarter following adoption of an ordinance pursuant to section  
12 25 418.4.

12 26 5. Local authorities shall not require any tax permit not  
12 27 required by the director of revenue.

12 28 6. a. Section 422.25, subsection 4, sections 422.30,  
12 29 422.67, and 422.68, section 422.69, subsection 1, sections  
12 30 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14,  
12 31 subsection 1, and sections 423.23, 423.24, 423.25, 423.31,  
12 32 423.33, 423.35, 423.37 through 423.42, and 423.47, consistent  
12 33 with the provisions of this chapter, apply with respect to  
12 34 the taxes authorized under this chapter, in the same manner  
12 35 and with the same effect as if the state and local hotel and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

13 1 motel taxes were retail sales taxes within the meaning of those  
13 2 statutes.

13 3 b. Notwithstanding this paragraph, the director shall  
13 4 provide for quarterly filing of returns and for other than  
13 5 quarterly filing of returns both as prescribed in section  
13 6 423.31.

13 7 7. The director may require all persons who are engaged in  
13 8 the business of deriving any sales price subject to tax under  
13 9 this chapter to register with the department.

13 10 8. All taxes collected under this chapter by a retailer or  
13 11 any individual are deemed to be held in trust for the state of  
13 12 Iowa and the local jurisdictions imposing the taxes.

13 13 Sec. 14. Section 423A.7, subsection 1, Code 2009, is amended  
13 14 to read as follows:

13 15 1. A local transient guest tax fund is created in the  
13 16 department which shall consist of all moneys credited to such  
13 17 fund under section 423A.6, subsection 4, paragraph "a".

13 18 Sec. 15. Section 423B.6, subsection 3, Code 2009, is amended  
13 19 to read as follows:

13 20 3. a. The director, in consultation with local officials,  
13 21 shall collect and account for a local sales and services  
13 22 tax. The director shall certify each quarter the amount of  
13 23 local sales and services tax receipts and any interest and  
13 24 penalties to be credited to the "local sales and services tax  
13 25 fund" established in the office of the treasurer of state. The  
13 26 revenues from the taxes collected pursuant to this section  
13 27 shall be credited and paid to cities and counties pursuant to  
13 28 section 423B.7.

13 29 b. All taxes collected under this chapter by a retailer or  
13 30 any individual are deemed to be held in trust for the state of  
13 31 Iowa and the local jurisdictions imposing the taxes.

13 32 ~~b.~~ c. All local tax moneys and interest and penalties  
13 33 received or refunded one hundred eighty days or more after the  
13 34 date on which the county repeals its local sales and services  
13 35 tax shall be deposited in or withdrawn from the state general



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

14 1 fund.  
14 2 Sec. 16. Section 423B.7, subsection 1, Code 2009, is amended  
14 3 to read as follows:  
14 4 1. a. Except as provided in ~~paragraph~~ paragraphs "b" and  
14 5 "c", the director shall credit the local sales and services  
14 6 tax receipts and interest and penalties from a county-imposed  
14 7 tax to the county's account in the local sales and services  
14 8 tax fund and from a city-imposed tax under section 423B.1,  
14 9 subsection 2, to the city's account in the local sales and  
14 10 services tax fund. If the director is unable to determine  
14 11 from which county any of the receipts were collected, those  
14 12 receipts shall be allocated among the possible counties based  
14 13 on allocation rules adopted by the director.  
14 14 b. Notwithstanding paragraph "a", the director shall  
14 15 credit the designated amount of the increase in local sales  
14 16 and services tax receipts, as computed in section 423B.10,  
14 17 collected in an urban renewal area of an eligible city that has  
14 18 adopted an ordinance pursuant to section 423B.10, subsection  
14 19 2, into a special city account in the local sales and services  
14 20 tax fund.  
14 21 c. Notwithstanding paragraph "a", the director shall  
14 22 credit the amount of the increase in local sales and services  
14 23 tax receipts, as computed in section 418.6, collected in a  
14 24 sales tax bonding district established pursuant to section  
14 25 418.4, which are distributed to the city or county pursuant  
14 26 to 423B.7, into an account created for that city or county in  
14 27 the sales tax increment fund created in section 418.7. The  
14 28 director shall deposit the tax receipts beginning the first day  
14 29 of the quarter following adoption of an ordinance pursuant to  
14 30 section 418.4.

14 31 EXPLANATION  
14 32 This bill allows cities and counties to use increased  
14 33 revenues from certain taxes for purposes of funding the  
14 34 development of projects within specially created districts.  
14 35 The bill provides for the creation of sales tax bonding



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2480 - Introduced continued

15 1 districts within which municipalities may issue bonds to fund  
15 2 economic development projects. The bonds may be secured by a  
15 3 portion of the increased state sales and services tax revenues  
15 4 collected in the district, the increased local option sales and  
15 5 services tax revenues, and the increased local hotel and motel  
15 6 tax revenues within the district.

15 7 To be eligible to create such a district and issue  
15 8 such bonds, a municipality must have an area suitable for  
15 9 development within its boundaries. An area suitable for  
15 10 development must meet the following requirements: (1) the area  
15 11 must be 400 or more contiguous acres in size and be entirely  
15 12 within the boundaries of the municipality; (2) at least 90  
15 13 percent of the land in the area must be vacant land; (3)  
15 14 the area consists only of parcels that will be directly and  
15 15 substantially benefited by the creation of the district; and  
15 16 (4) no portion of the area suitable for development can also be  
15 17 part of an enterprise zone. In addition, the proposed district  
15 18 must include a projected capital investment of at least \$50  
15 19 million, the projects to be developed within the proposed  
15 20 district must generate at least \$25 million in annual revenue,  
15 21 and the projects to be developed within the proposed district  
15 22 must create at least 200 permanent new jobs.

15 23 The governing body of a municipality seeking to establish  
15 24 a district and issue bonds must adopt a resolution stating  
15 25 its intent to do so. The resolution must include a proposed  
15 26 district plan. The proposed district plan must include the  
15 27 area for the district, the names of the owners of the parcels  
15 28 to be included within it, a list of the projects proposed for  
15 29 the district and a plan for each project. The resolution  
15 30 must also: (1) include a map of the area being proposed for  
15 31 the district; (2) include an economic impact study conducted  
15 32 by an independent economist; (3) make findings that an area  
15 33 suitable for development exists in the municipality; and (4)  
15 34 set the date and time of a public hearing on the establishment  
15 35 of the proposed district. After holding a public hearing on



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2480 - Introduced continued

16 1 the proposed district plan, the municipality must submit a  
16 2 copy of the resolution, the proposed plan, and accompanying  
16 3 materials to the vision Iowa board for review and approval.  
16 4 A municipality may develop subsequent projects within the  
16 5 district, but each project requires a project plan and is  
16 6 subject to approval by the board. Each project plan must  
16 7 include a project feasibility study conducted by an independent  
16 8 professional with expertise in economic development and public  
16 9 finance. The feasibility study must project and analyze the  
16 10 following: (1) the amount of gross revenues expected to be  
16 11 collected in the district as a result of the project for each  
16 12 year of the bond maturation period; (2) a detailed explanation  
16 13 of the manner and extent to which the project will contribute  
16 14 to the economic development of the state and the municipality;  
16 15 (3) an estimate of the number of visitors or customers  
16 16 the project will generate during each year of the bond  
16 17 maturation period; (4) a description of the project's unique  
16 18 characteristics; and (5) an analysis of the project's economic  
16 19 impact. The analysis must include the same components and  
16 20 be conducted in the same manner as the economic impact study  
16 21 required upon initial establishment. Each project plan must  
16 22 also clearly state the cost of the project and the amount of  
16 23 public debt to be incurred for purposes of funding the project.  
16 24     Once a municipality has established a district, it may bond  
16 25 against the increased tax revenues within the district. To  
16 26 determine the amount of the increase, the department of revenue  
16 27 calculates the amount of tax revenues in the district during  
16 28 the corresponding quarter of the fiscal year ending during the  
16 29 calendar year the district was first established (the "base  
16 30 year") and the amount of tax revenues during the corresponding  
16 31 quarter in subsequent years. The department then subtracts the  
16 32 base year amount from the amounts in the subsequent years to  
16 33 arrive at the amount of the increase.  
16 34     The bill creates a sales tax increment fund within the  
16 35 department of revenue and an account in the fund for each



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2480 - Introduced continued

17 1 municipality that has created a district. The department  
17 2 credits monthly the amount of the district's increased  
17 3 revenues to the municipality's account. Revenue received by a  
17 4 municipality from the fund must be deposited in a special fund  
17 5 of the municipality and used for funding projects or for the  
17 6 payment of principal and interest on bonds issued to fund the  
17 7 projects. If there are funds in excess of the amount needed,  
17 8 moneys from locally imposed taxes are to be applied toward  
17 9 property tax relief and moneys deriving from a state imposed  
17 10 tax are to be deposited in the general fund.

17 11 The bill provides for the issuance of bonds by an eligible  
17 12 municipality. In issuing the bonds, the municipality  
17 13 must comply with the revenue bond authorization procedures  
17 14 applicable to cities pursuant to Code section 384.83.

17 15 Bonds issued pursuant to the provisions of the bill  
17 16 constitute separate authorization for the issuance of bonds and  
17 17 will prevail in the event of conflict with any other provision  
17 18 of the Code limiting the amount of bonds which may be issued  
17 19 or the source of payment of the bonds. Also, bonds issued  
17 20 pursuant to the provisions of the bill do not limit or restrict  
17 21 the authority of the municipality to issue bonds under other  
17 22 provisions of the Code.

17 23 Bonds issued pursuant to the provisions of the bill do  
17 24 not constitute an indebtedness within the meaning of any  
17 25 constitutional or statutory debt limitation or restriction,  
17 26 and are not subject to the provisions of any other law or  
17 27 charter relating to the authorization, issuance, or sale of  
17 28 bonds. Bonds issued pursuant to the provisions of the bill are  
17 29 declared to be issued for an essential public and governmental  
17 30 purpose.

17 31 The bill directs the director of revenue to calculate the  
17 32 amount of increased state sales and services taxes, increased  
17 33 local sales and services taxes, and increased local hotel  
17 34 and motel taxes and to credit the increased amounts to the  
17 35 municipality's account in the sales tax increment fund. These



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2480 - Introduced continued

18 1 amounts are to be credited beginning the quarter following the  
18 2 creation of a district by a municipality.  
18 3 A district is dissolved 20 years from the date of its  
18 4 establishment. Upon the dissolution of a district, the  
18 5 consumption taxes collected within the area formerly comprising  
18 6 the district shall be thereafter administered, and the local  
18 7 tax revenues distributed to municipalities, in the same manner  
18 8 as if the district had not been established.

LSB 5008HV (3) 83

tw/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2481 - Introduced**

HOUSE FILE  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HSB 631)

**A BILL FOR**

1 An Act relating to various conservation and recreation  
2 activities under the purview of the department of natural  
3 resources, and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5362HV (4) 83  
av/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

PAG LIN

1 1 Section 1. Section 321G.1, Code 2009, is amended by adding  
1 2 the following new subsections:  
1 3 NEW SUBSECTION. 5A. "Designated snowmobile trail" means  
1 4 a snowmobile riding trail on any public land, private land,  
1 5 or public ice that has been designated by the department,  
1 6 a political subdivision, or a controlling authority for  
1 7 snowmobile use.  
1 8 NEW SUBSECTION. 5B. "Direct supervision" means to provide  
1 9 supervision of another person while maintaining visual and  
1 10 verbal contact at all times.  
1 11 Sec. 2. Section 321G.1, subsection 19, Code 2009, is amended  
1 12 to read as follows:  
1 13 19. ~~"Safety~~ "Education certificate" means a snowmobile  
1 14 ~~safety~~ education certificate, approved by the commission, which  
1 15 is issued to a qualified applicant who is twelve years of age  
1 16 or older.  
1 17 Sec. 3. Section 321G.2, subsection 1, paragraphs c, e, and  
1 18 f, Code Supplement 2009, are amended to read as follows:  
1 19 c. Use of snowmobiles on designated snowmobile trails  
1 20 and public lands under the jurisdiction of the commission.  
1 21 e. Establishment of a program of grants, subgrants,  
1 22 and contracts to be administered by the department for the  
1 23 development, maintenance, signing, and operation of designated  
1 24 snowmobile trails and the operation of grooming equipment by  
1 25 political subdivisions and incorporated private organizations.  
1 26 f. Issuance of ~~safety~~ education certificates.  
1 27 Sec. 4. Section 321G.2, subsection 1, Code Supplement 2009,  
1 28 is amended by adding the following new paragraph:  
1 29 NEW PARAGRAPH. 1. Maintenance, signing, and operation of  
1 30 designated snowmobile trails.  
1 31 Sec. 5. Section 321G.3, subsection 2, Code 2009, is amended  
1 32 by striking the subsection.  
1 33 Sec. 6. Section 321G.3, subsection 3, Code 2009, is amended  
1 34 to read as follows:  
1 35 ~~3-~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

2 1 a scheduled violation under section 805.8B, subsection 2,  
2 2 paragraph "a". When the scheduled fine is paid, the violator  
2 3 shall submit proof to the department that a valid registration  
2 4 or user permit has been obtained by providing a copy of the  
2 5 registration or user permit to the department within thirty  
2 6 days of the date the fine is paid. A person who violates this  
2 7 subsection is guilty of a simple misdemeanor.

2 8 Sec. 7. Section 321G.4, subsection 2, Code 2009, is amended  
2 9 to read as follows:

2 10 2. The owner of the snowmobile shall file an application  
2 11 for registration with the department through ~~a~~ the county  
2 12 recorder of the county of residence in the manner established  
2 13 by the commission. The application shall be completed by the  
2 14 owner and shall be accompanied by a fee of fifteen dollars and  
2 15 a writing fee as provided in section 321G.27. A snowmobile  
2 16 shall not be registered by the county recorder until the  
2 17 county recorder is presented with receipts, bills of sale,  
2 18 or other satisfactory evidence that the sales or use tax has  
2 19 been paid for the purchase of the snowmobile or that the  
2 20 owner is exempt from paying the tax. A snowmobile that has  
2 21 an expired registration certificate from another state may be  
2 22 registered in this state upon proper application, payment of  
2 23 all applicable registration and writing fees, and payment of a  
2 24 penalty of five dollars.

2 25 Sec. 8. Section 321G.6, subsection 3, Code 2009, is amended  
2 26 to read as follows:

2 27 3. Duplicate registrations may be issued ~~upon application~~  
~~to the~~ by a county recorder and or a license agent upon the  
2 29 payment of a five dollar fee plus a writing fee as provided in  
2 30 section 321G.27.

2 31 Sec. 9. Section 321G.7, subsection 1, Code 2009, is amended  
2 32 to read as follows:

2 33 1. A county recorder or license agent shall remit to the  
2 34 commission the snowmobile fees collected by the recorder  
2 35 or license agent in the manner and time prescribed by the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

3 1 department.  
3 2 Sec. 10. Section 321G.8, subsection 1, Code 2009, is amended  
3 3 to read as follows:  
3 4 1. Snowmobiles owned and used by the United States,  
3 5 ~~another~~ this state, or a political subdivision of  
3 6 ~~another~~ this state.  
3 7 Sec. 11. Section 321G.9, subsection 6, Code 2009, is amended  
3 8 by striking the subsection.  
3 9 Sec. 12. Section 321G.12, Code 2009, is amended to read as  
3 10 follows:  
3 11 321G.12 ~~Headlamp == tail lamp~~ Headlight == taillight ==  
3 12 brakes.  
3 13 Every snowmobile shall be equipped with at least one  
3 14 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every  
3 15 snowmobile shall be equipped with brakes.  
3 16 Sec. 13. Section 321G.17, Code 2009, is amended to read as  
3 17 follows:  
3 18 321G.17 Violation of stop signal.  
3 19 A person, ~~after having~~ who has received a visual or audible  
3 20 signal from a peace officer to come to a stop, shall not  
3 21 operate a snowmobile in willful or wanton disregard of the  
3 22 signal, ~~or~~ interfere with or endanger the officer or any other  
3 23 person or vehicle, ~~or~~ increase speed, or attempt to flee or  
3 24 elude the officer.  
3 25 Sec. 14. Section 321G.20, Code 2009, is amended to read as  
3 26 follows:  
3 27 321G.20 Minors under ~~twelve~~ sixteen == supervision  
3 28 requirements.  
3 29 1. An owner or operator of a snowmobile shall not permit  
3 30 a person under twelve years of age to operate and a person  
3 31 less than twelve years of age shall not operate, a snowmobile  
3 32 on a designated snowmobile trail, public land, or public  
3 33 ice except when accompanied on the same snowmobile by a  
3 34 responsible person of at least eighteen years of age who is  
3 35 experienced in snowmobile operation and who possesses a valid



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

4 1 driver's license, as defined in section 321.1, or a ~~safety an~~  
4 2 education certificate issued under this chapter.

4 3 2. While operating a snowmobile on a designated snowmobile  
4 4 trail, public land, or public ice, a person twelve to fifteen  
4 5 years of age and possessing a valid education certificate  
4 6 must be under the direct supervision of a parent, guardian,  
4 7 or another adult authorized by the parent or guardian, who is  
4 8 experienced in snowmobile operation, and who possesses a valid  
4 9 driver's license, as defined in section 321.1, or an education  
4 10 certificate issued under this chapter.

4 11 3. A person under sixteen years of age shall not operate a  
4 12 snowmobile on or across a public highway unless the person has  
4 13 in the person's possession an education certificate issued to  
4 14 the person pursuant to this chapter.

4 15 Sec. 15. Section 321G.21, subsections 1 through 5, Code  
4 16 Supplement 2009, are amended to read as follows:

4 17 1. A manufacturer, distributor, or dealer owning a  
4 18 snowmobile required to be registered under this chapter  
4 19 may operate the snowmobile for purposes of transporting,  
4 20 testing, demonstrating, or selling it without the snowmobile  
4 21 being registered, except that a special ~~identification~~  
4 22 ~~number registration decal~~ issued to the owner as provided  
4 23 in this chapter shall be displayed on the snowmobile in the  
4 24 manner prescribed by rules of the commission. The special  
4 25 ~~identification number registration decal~~ shall not be used  
4 26 on a snowmobile offered for hire or for any work or service  
4 27 performed by a manufacturer, distributor, or dealer.

4 28 2. Every manufacturer, distributor, or dealer shall  
4 29 register with the department by making application to the  
4 30 commission, upon forms prescribed by the commission, for  
4 31 a special registration certificate ~~containing a general~~  
4 32 ~~identification number and for one or more duplicate special~~  
4 33 ~~registration certificates and decal.~~ The applicant shall pay  
4 34 a registration fee of ~~fifteen~~ forty=five dollars and submit  
4 35 reasonable proof of the applicant's status as a bona fide



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

5 1 manufacturer, distributor, or dealer as may be required by the  
5 2 commission.  
5 3 3. The commission, upon granting an application,  
5 4 shall issue to the applicant a special registration  
5 5 certificate ~~containing~~ and decal. The special registration  
5 6 certificate shall contain the applicant's name, ~~and~~ address,  
5 7 ~~the and~~ general identification number; ~~assigned to~~  
~~5 8 the applicant,~~ the word "manufacturer", "dealer", or  
5 9 "distributor"; and other information the commission  
5 10 prescribes. ~~The manufacturer, distributor, or dealer shall~~  
~~5 11 have the assigned number printed upon or attached to a~~  
~~5 12 removable sign or signs which may be temporarily but firmly~~  
~~5 13 mounted or attached to the snowmobile being used. The display~~  
~~5 14 shall meet the requirements of this chapter and the rules of~~  
~~5 15 the commission.~~  
5 16 4. The commission shall also issue duplicate special  
5 17 registration certificates and decals which shall have displayed  
5 18 thereon the general identification number assigned to the  
5 19 applicant. ~~Each duplicate registration certificate so issued~~  
~~5 20 shall contain a number or symbol identifying it from every~~  
~~5 21 other duplicate special registration certificate bearing~~  
~~5 22 the same general identification number. The fee for each~~  
5 23 additional duplicate special registration certificate and  
5 24 decal shall be ~~two~~ five dollars.  
5 25 5. Each special registration certificate issued  
5 26 ~~hereunder~~ under this section shall be for a period of three  
~~5 27 years and shall expire on December 31 of each the renewal year,~~  
~~5 28 and a. A new special registration certificate for the ensuing~~  
~~5 29 twelve months~~ three-year renewal period may be obtained upon  
5 30 application to the commission and payment of the fee provided  
5 31 by law.  
5 32 Sec. 16. Section 321G.23, Code 2009, is amended to read as  
5 33 follows:  
5 34 321G.23 Course of instruction.  
5 35 1. The commission shall provide, by rules adopted pursuant



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

6 1 to section 321G.2, for the establishment of certified courses  
6 2 of instruction to be conducted throughout the state for the  
6 3 safe use and operation of snowmobiles. The curriculum shall  
6 4 include instruction in the lawful and safe use, operation, and  
6 5 equipping of snowmobiles consistent with this chapter and rules  
6 6 adopted by the commission and the director of transportation  
6 7 and other matters the commission deems pertinent for a  
6 8 qualified snowmobile operator. The commission may establish  
6 9 a fee for the course which shall not exceed the actual cost  
6 10 of instruction minus moneys received by the department from  
6 11 ~~safety education~~ certificate fees under section 321G.24.

6 12 2. The commission may certify any experienced, qualified  
6 13 operator to be an instructor of a class established under  
6 14 subsection 1. Each instructor shall be at least eighteen years  
6 15 of age.

6 16 3. Upon completion of the course of instruction, the  
6 17 commission shall provide for the administration of a written  
6 18 test to any student who wishes to qualify for a ~~safety an~~  
6 19 education certificate.

6 20 4. The commission shall provide ~~safety education~~ material  
6 21 relating to the operation of snowmobiles for the use of  
6 22 nonpublic or public elementary and secondary schools in this  
6 23 state.

6 24 5. The department may develop requirements and standards  
6 25 for online education offerings. Only vendors who have entered  
6 26 into a memorandum of understanding with the department  
6 27 shall be permitted to offer an online course that results  
6 28 in the issuance of an education certificate approved by the  
6 29 commission. Vendors may charge for their courses and collect  
6 30 the education certificate fee required under section 321G.24,  
6 31 subsection 2, on behalf of the department as agreed to in the  
6 32 memorandum of understanding.

6 33 Sec. 17. Section 321G.24, Code Supplement 2009, is amended  
6 34 to read as follows:

6 35 321G.24 ~~Safety~~ Education certificate == fee.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

7 1 1. A person under eighteen years of age shall not operate a  
7 2 snowmobile on public land or public ice or land purchased with  
7 3 snowmobile registration funds in this state without obtaining a  
7 4 valid ~~safety~~ education certificate issued by the department and  
7 5 having the certificate in the person's possession, unless the  
7 6 person is accompanied on the same snowmobile by a responsible  
7 7 person of at least eighteen years of age who is experienced in  
7 8 snowmobile operation and possesses a valid driver's license, as  
7 9 defined in section 321.1, or a ~~safety~~ an education certificate  
7 10 issued under this chapter.

7 11 2. Upon ~~application~~ successful completion of the course and  
7 12 payment of a fee of five dollars, a qualified applicant  
7 13 shall be issued a ~~safety~~ an education certificate which is  
7 14 valid until the certificate is suspended or revoked by the  
7 15 director for a violation of a provision of this chapter or a  
7 16 rule adopted pursuant to this chapter. ~~The application shall~~  
~~7 17 be made on forms issued by the commission and shall contain~~  
~~7 18 information as the commission may reasonably require.~~

7 19 3. Any person who is required to have a ~~safety~~ an  
7 20 education certificate under this chapter and who has completed  
7 21 a course of instruction established under section 321G.2,  
7 22 subsection 1, paragraph "j", including the successful passage  
7 23 of an examination which includes a written test relating to  
7 24 such course of instruction, shall be considered qualified to  
7 25 receive a ~~safety~~ an education certificate.

7 26 4. The ~~permit~~ certificate fees collected under this section  
7 27 shall be credited to the special snowmobile fund created under  
7 28 section 321G.7 and shall be used for safety and educational  
7 29 programs.

7 30 5. A valid snowmobile ~~safety~~ or education certificate or  
7 31 license issued to a nonresident by a governmental authority  
7 32 of another state shall be considered a valid certificate  
7 33 or license in this state if the ~~permit~~ certification or  
7 34 ~~license~~ licensing requirements of the governmental authority,  
~~7 35 excluding fees,~~ are substantially the same as the requirements



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

8 1 of this chapter as determined by the commission.

8 2 Sec. 18. Section 321G.29, subsection 8, Code 2009, is  
8 3 amended to read as follows:

8 4 8. Once titled, a person shall not sell or transfer  
8 5 ownership of a snowmobile without delivering to the purchaser  
8 6 or transferee a certificate of title with an assignment on it  
8 7 showing title in the ~~purchaser or transferee~~ purchaser's or  
8 8 transferee's name. A person shall not purchase or otherwise  
8 9 acquire a snowmobile without obtaining a certificate of title  
8 10 for it in that person's name.

8 11 Sec. 19. Section 321G.31, subsection 1, Code 2009, is  
8 12 amended to read as follows:

8 13 1. If ownership of a snowmobile is transferred by  
8 14 operation of law, such as by inheritance, order in bankruptcy,  
8 15 insolvency, replevin, or execution sale, the transferee, within  
8 16 thirty days after acquiring the right to possession of the  
8 17 snowmobile, shall mail or deliver to the county recorder of  
8 18 the transferee's county of residence satisfactory proof of  
8 19 ownership as the county recorder requires, together with an  
8 20 application for a new certificate of title, and the required  
8 21 fee.

8 22 Sec. 20. Section 321G.33, subsections 1 and 3, Code 2009,  
8 23 are amended to read as follows:

8 24 1. The department may assign a distinguishing number to  
8 25 a snowmobile when the serial number on the snowmobile is  
8 26 destroyed or obliterated and issue to the owner a special  
8 27 ~~plate~~ decal bearing the distinguishing number which shall be  
8 28 affixed to the snowmobile in a position to be determined by  
8 29 the department. The snowmobile shall be registered and titled  
8 30 under the distinguishing number in lieu of the former serial  
8 31 number. Every snowmobile shall have a vehicle identification  
8 32 number assigned and affixed as required by the department.

8 33 3. A person shall not destroy, remove, alter, cover, or  
8 34 deface the manufacturer's vehicle identification number, the  
8 35 plate or decal bearing it, or any vehicle identification number



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

9 1 the department assigns to a snowmobile without the department's  
9 2 permission.

9 3 Sec. 21. Section 321I.1, subsection 1, paragraph b, Code  
9 4 Supplement 2009, is amended to read as follows:

9 5 b. Off=road motorcycles shall be considered all=terrain  
9 6 vehicles for the purpose of registration. Off=road motorcycles  
9 7 shall also be considered all=terrain vehicles for the  
9 8 purpose of titling if a title has not previously been  
9 9 issued pursuant to chapter 321. An operator of an off=road  
9 10 motorcycle is subject to provisions governing the operation  
9 11 of all=terrain vehicles in this chapter, but is exempt from  
9 12 the ~~safety~~ safety education instruction and certification program  
9 13 requirements of sections 321I.25 and 321I.26.

9 14 Sec. 22. Section 321I.1, subsection 16, paragraph b, Code  
9 15 Supplement 2009, is amended to read as follows:

9 16 b. An owner of an off=road utility vehicle may register  
9 17 or title an off=road utility vehicle in order to legally  
9 18 operate the off=road vehicle on public ice, a designated  
9 19 riding area, or a designated riding trail. The operator of an  
9 20 off=road utility vehicle is subject to provisions governing the  
9 21 operation of all=terrain vehicles in section 321.234A and this  
9 22 chapter, but is exempt from the ~~safety~~ safety education instruction  
9 23 and certification program requirements of sections 321I.25 and  
9 24 321I.26. An operator of an off=road utility vehicle shall not  
9 25 operate the vehicle on a designated riding area or designated  
9 26 riding trail unless the department has posted signage  
9 27 indicating the riding area or trail is open to the operation  
9 28 of off=road utility vehicles. Off=road utility vehicles are  
9 29 exempt from the dealer registration and titling requirements  
9 30 of this chapter. A motorized vehicle that was previously  
9 31 titled or is currently titled under chapter 321 shall not be  
9 32 registered or operated as an off=road utility vehicle.

9 33 Sec. 23. Section 321I.1, subsection 25, Code Supplement  
9 34 2009, is amended to read as follows:

9 35 25. "~~Safety~~ Safety Education certificate" means an all=terrain



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

10 1 vehicle ~~safety~~ education certificate, approved by the  
10 2 commission, which is issued to a qualified applicant who is  
10 3 twelve years of age or older.  
10 4 Sec. 24. Section 321I.2, subsection 1, paragraph f, Code  
10 5 Supplement 2009, is amended to read as follows:  
10 6 f. Issuance of ~~safety~~ education certificates.  
10 7 Sec. 25. Section 321I.3, subsection 2, Code 2009, is amended  
10 8 by striking the subsection.  
10 9 Sec. 26. Section 321I.3, subsection 3, Code 2009, is amended  
10 10 to read as follows:  
10 11 ~~3.~~ 2. A violation of subsection 1 ~~or 2~~ is punishable as  
10 12 a scheduled violation under section 805.8B, subsection 2A,  
10 13 paragraph "a". When the scheduled fine is paid, the violator  
10 14 shall submit proof to the department that a valid registration  
10 15 or user permit has been obtained by providing a copy of the  
10 16 registration or user permit to the department within thirty  
10 17 days of the date the fine is paid. A person who violates this  
10 18 subsection is guilty of a simple misdemeanor.  
10 19 Sec. 27. Section 321I.4, subsection 2, Code 2009, is amended  
10 20 to read as follows:  
10 21 2. The owner of the all-terrain vehicle shall file an  
10 22 application for registration with the department through  
10 23 ~~a~~ the county recorder of the county of residence in the  
10 24 manner established by the commission. The application shall  
10 25 be completed by the owner and shall be accompanied by a fee  
10 26 of fifteen dollars and a writing fee as provided in section  
10 27 321I.29. An all-terrain vehicle shall not be registered by the  
10 28 county recorder until the county recorder is presented with  
10 29 receipts, bills of sale, or other satisfactory evidence that  
10 30 the sales or use tax has been paid for the purchase of the  
10 31 all-terrain vehicle or that the owner is exempt from paying the  
10 32 tax. An all-terrain vehicle that has an expired registration  
10 33 certificate from another state may be registered in this state  
10 34 upon proper application, payment of all applicable registration  
10 35 and writing fees, and payment of a penalty of five dollars.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

11 1 Sec. 28. Section 321I.7, subsections 3 and 4, Code 2009, are  
11 2 amended to read as follows:

11 3 3. Duplicate registrations may be issued ~~upon application~~  
~~11 4 to the~~ by a county recorder or a license agent and the payment  
11 5 of a five dollar fee plus a writing fee as provided in section  
11 6 321I.29.

11 7 4. A motorcycle, as defined in section 321.1, subsection  
11 8 40, paragraph "a", may be registered as an all-terrain vehicle  
11 9 as provided in this section. A motorcycle registered as an  
11 10 all-terrain vehicle may participate in all programs established  
11 11 for all-terrain vehicles under this chapter except for the  
11 12 ~~safety education~~ instruction and certification program.

11 13 Sec. 29. Section 321I.8, Code 2009, is amended to read as  
11 14 follows:

11 15 321I.8 Fees remitted to commission == appropriation.

11 16 1. A county recorder or license agent shall remit to the  
11 17 commission the all-terrain vehicle fees collected by the  
11 18 recorder or license agent in the manner and time prescribed by  
11 19 the department.

11 20 2. The department shall remit the fees, including user  
11 21 fees collected pursuant to section 321I.5, to the treasurer  
11 22 of state, who shall place the money in a special all-terrain  
11 23 vehicle fund. The money is appropriated to the department for  
11 24 the all-terrain vehicle programs of the state. The programs  
11 25 shall include grants, subgrants, contracts, or cost-sharing  
11 26 of all-terrain vehicle programs with political subdivisions  
11 27 or incorporated private organizations or both in accordance  
11 28 with rules adopted by the commission. All-terrain vehicle fees  
11 29 may be used for the establishment, maintenance, and operation  
11 30 of all-terrain vehicle recreational riding areas through the  
11 31 awarding of grants administered by the department. All-terrain  
11 32 vehicle recreational riding areas established, maintained, or  
11 33 operated by the use of such grants shall not be operated for  
11 34 profit. All programs using cost-sharing, grants, subgrants,  
11 35 or contracts shall establish and implement ~~a safety an~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

12 1 education instruction program either singly or in cooperation  
12 2 with other all-terrain vehicle programs. All-terrain vehicle  
12 3 fees may be used to support all-terrain vehicle programs on  
12 4 a usage basis. At least fifty percent of the special fund  
12 5 shall be available for political subdivisions or incorporated  
12 6 private organizations or both. Moneys from the special fund  
12 7 not used by the political subdivisions or incorporated private  
12 8 organizations or both shall remain in the fund and may be used  
12 9 by the department for the administration of the all-terrain  
12 10 vehicle programs. Notwithstanding section 8.33, moneys in the  
12 11 special fund shall not revert to the general fund of the state  
12 12 at the end of a fiscal year. Notwithstanding section 12C.7,  
12 13 subsection 2, interest or earnings on moneys in the special  
12 14 fund shall remain in the fund.

12 15 Sec. 30. Section 321I.9, subsection 1, Code 2009, is amended  
12 16 to read as follows:

12 17 1. All-terrain vehicles owned and used by the United  
12 18 States, ~~another~~ this state, or a political subdivision of  
12 19 ~~another~~ this state.

12 20 Sec. 31. Section 321I.13, Code 2009, is amended to read as  
12 21 follows:

12 22 321I.13 ~~Headlamp == tail lamp~~ Headlight == taillight ==  
12 23 brakes.

12 24 Every all-terrain vehicle operated during the hours of  
12 25 darkness shall display a lighted ~~headlamp~~ headlight and ~~tail~~  
12 26 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped  
12 27 with brakes.

12 28 Sec. 32. Section 321I.17, Code 2009, is amended to read as  
12 29 follows:

12 30 321I.17 Special events.

12 31 The department may authorize the holding of organized  
12 32 special events as defined in this chapter within this state.  
12 33 The department shall adopt rules relating to the conduct of  
12 34 special events held under department permits and designating  
12 35 the equipment and facilities necessary for the safe operation



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

13 1 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road  
13 2 utility vehicles and for the safety of operators, participants,  
13 3 and observers in the special events. A special event for  
~~13 4 all-terrain vehicles may include motorcycles upon payment of~~  
~~13 5 an entrance fee set by the organizer of the special event. The~~  
~~13 6 department may require that part of the motorcycle entrance~~  
~~13 7 fee be credited to pay costs of all-terrain vehicle programs~~  
~~13 8 authorized pursuant to section 321I.8. At least thirty~~  
13 9 days before the scheduled date of a special event in this  
13 10 state, an application shall be filed with the department for  
13 11 authorization to conduct the special event. The application  
13 12 shall set forth the date, time, and location of the proposed  
13 13 special event and any other information the department  
13 14 requires. The special event shall not be conducted without  
13 15 written authorization of the department. ~~Copies of the rules~~  
~~13 16 shall be furnished by the department to any person making an~~  
~~13 17 application.~~

13 18 Sec. 33. Section 321I.18, Code 2009, is amended to read as  
13 19 follows:

13 20 321I.18 Violation of stop signal.

13 21 A person, ~~after having~~ who has received a visual or audible  
13 22 signal from a peace officer to come to a stop, shall not  
13 23 operate an all-terrain vehicle in willful or wanton disregard  
13 24 of the signal, ~~or~~ interfere with or endanger the officer or any  
13 25 other person or vehicle, or increase speed, or attempt to flee  
13 26 or elude the officer.

13 27 Sec. 34. Section 321I.21, subsection 1, Code 2009, is  
13 28 amended to read as follows:

13 29 1. The person is taking a prescribed safety education  
13 30 training course and the operation is under the direct  
13 31 supervision of a certified all-terrain vehicle ~~safety~~  
13 32 education instructor.

13 33 Sec. 35. Section 321I.22, subsections 1 through 5, Code  
13 34 Supplement 2009, are amended to read as follows:

13 35 1. A manufacturer, distributor, or dealer owning an



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

14 1 all-terrain vehicle required to be registered under this  
14 2 chapter may operate the all-terrain vehicle for purposes of  
14 3 transporting, testing, demonstrating, or selling it without the  
14 4 all-terrain vehicle being registered, except that a special  
14 5 ~~identification number~~ registration decal issued to the owner as  
14 6 provided in this chapter shall be displayed on the all-terrain  
14 7 vehicle in the manner prescribed by rules of the commission.  
14 8 The special ~~identification number~~ registration decal shall not  
14 9 be used on an all-terrain vehicle offered for hire or for any  
14 10 work or service performed by a manufacturer, distributor, or  
14 11 dealer.

14 12 2. Every manufacturer, distributor, or dealer shall  
14 13 register with the department by making application to the  
14 14 commission, upon forms prescribed by the commission, for  
14 15 a special registration certificate ~~containing a general~~  
~~14 16 identification number and for one or more duplicate special~~  
~~14 17 registration certificates and decal.~~ The applicant shall pay  
14 18 a registration fee of ~~fifteen~~ forty-five dollars and submit  
14 19 reasonable proof of the applicant's status as a bona fide  
14 20 manufacturer, distributor, or dealer as may be required by the  
14 21 commission.

14 22 3. The commission, upon granting an application,  
14 23 shall issue to the applicant a special registration  
14 24 certificate ~~containing~~ and decal. The special registration  
~~14 25 certificate shall contain the applicant's name, and address,~~  
~~14 26 the and general identification number; assigned to~~  
~~14 27 the applicant,~~ the word "manufacturer", "dealer", or  
14 28 "distributor"; and other information the commission  
14 29 prescribes. ~~The manufacturer, distributor, or dealer shall~~  
~~14 30 have the assigned number printed upon or attached to a~~  
~~14 31 removable sign or signs which may be temporarily but firmly~~  
~~14 32 mounted or attached to the all-terrain vehicle being used. The~~  
~~14 33 display shall meet the requirements of this chapter and the~~  
~~14 34 rules of the commission.~~

14 35 4. The commission shall also issue duplicate special



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

15 1 registration certificates and decals which shall have displayed  
15 2 thereon the general identification number assigned to the  
15 3 applicant. ~~Each duplicate registration certificate so issued~~  
~~15 4 shall contain a number or symbol identifying it from every~~  
~~15 5 other duplicate special registration certificate bearing~~  
~~15 6 the same general identification number.~~ The fee for each  
15 7 additional duplicate special registration certificate and  
15 8 decal shall be ~~two~~ five dollars.

15 9 5. Each special registration certificate issued  
15 10 ~~hereunder~~ under this section shall be for a period of three  
15 11 years and shall expire on December 31 of each the renewal year,  
~~15 12 and a. A new special registration certificate for the ensuing~~  
~~15 13 twelve months~~ three-year renewal period may be obtained upon  
15 14 application to the commission and payment of the fee provided  
15 15 by law.

15 16 Sec. 36. Section 321I.25, Code 2009, is amended to read as  
15 17 follows:

15 18 321I.25 Course of instruction.

15 19 1. The commission shall provide, by rules adopted pursuant  
15 20 to section 321I.2, for the establishment of certified courses  
15 21 of instruction to be conducted throughout the state for the  
15 22 safe use and operation of all-terrain vehicles. The curriculum  
15 23 shall include instruction in the lawful and safe use,  
15 24 operation, and equipping of all-terrain vehicles consistent  
15 25 with this chapter and rules adopted by the commission ~~and the~~  
~~15 26 director of transportation and other matters the commission~~  
~~15 27 deems pertinent for a qualified all-terrain vehicle operator.~~  
15 28 The commission may establish a fee for the course which shall  
15 29 not exceed the actual cost of instruction minus moneys received  
15 30 by the department from ~~safety~~ education certificate fees under  
15 31 section 321I.26.

15 32 2. The commission may certify any experienced, qualified  
15 33 operator to be an instructor of a class established under  
15 34 subsection 1. Each instructor shall be at least eighteen years  
15 35 of age.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

16 1 3. Upon completion of the course of instruction, the  
16 2 commission shall provide for the administration of either a  
16 3 written test or the demonstration of adequate riding skills  
16 4 to any student who wishes to qualify for a ~~safety~~ an  
16 5 education certificate.

16 6 4. The commission shall provide ~~safety~~ education material  
16 7 relating to the operation of all-terrain vehicles for the use  
16 8 of nonpublic or public elementary and secondary schools in this  
16 9 state.

16 10 5. The department may develop requirements and standards  
16 11 for online education offerings. Only vendors who have entered  
16 12 into a memorandum of understanding with the department  
16 13 shall be permitted to offer an online course that results  
16 14 in the issuance of an education certificate approved by the  
16 15 commission. Vendors may charge for their courses and collect  
16 16 the education certificate fee required under section 321I.26,  
16 17 subsection 2, on behalf of the department as agreed to in the  
16 18 memorandum of understanding.

16 19 Sec. 37. Section 321I.26, Code Supplement 2009, is amended  
16 20 to read as follows:

16 21 321I.26 ~~Safety~~ Education certificate == fee.

16 22 1. A person twelve years of age or older but less than  
16 23 eighteen years of age shall not operate an all-terrain vehicle  
16 24 on public land or ice or land purchased with all-terrain  
16 25 vehicle registration funds in this state without obtaining a  
16 26 valid ~~safety~~ education certificate issued by the department and  
16 27 having the certificate in the person's possession.

16 28 2. Upon ~~application~~ successful completion of the course and  
16 29 payment of a fee of five dollars, a qualified applicant  
16 30 shall be issued a ~~safety~~ an education certificate which is  
16 31 valid until the certificate is suspended or revoked by the  
16 32 director for a violation of a provision of this chapter or a  
16 33 rule adopted pursuant to this chapter. ~~The application shall~~  
16 34 be made on forms issued by the commission and shall contain  
16 35 information as the commission may reasonably require.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

17 1 3. Any person who is required to have a ~~safety an~~  
17 2 education certificate under this chapter and who has completed  
17 3 a course of instruction established under section 321I.2,  
17 4 subsection 1, paragraph "i", including the successful passage  
17 5 of an examination which includes either a written test relating  
17 6 to such course of instruction or the demonstration of adequate  
17 7 riding skills, shall be considered qualified to receive a  
~~17 8 safety an education~~ certificate.

17 9 4. The ~~permit~~ certificate fees collected under this section  
17 10 shall be credited to the special all-terrain vehicle fund and  
17 11 shall be used for ~~safety and~~ educational programs.

17 12 5. A valid all-terrain vehicle safety or education  
17 13 certificate or license issued to a nonresident by a  
17 14 governmental authority of another state shall be considered  
17 15 a valid certificate or license in this state if the  
17 16 permit certification or license licensing requirements of the  
17 17 governmental authority, ~~excluding fees,~~ are substantially the  
17 18 same as the requirements of this chapter as determined by the  
17 19 commission.

17 20 Sec. 38. Section 321I.31, subsection 8, Code 2009, is  
17 21 amended to read as follows:

17 22 8. Once titled, a person shall not sell or transfer  
17 23 ownership of an all-terrain vehicle without delivering to  
17 24 the purchaser or transferee a certificate of title with  
17 25 an assignment on it showing title in the ~~purchaser or~~  
~~17 26 transferee purchaser's or transferee's name~~. A person shall  
17 27 not purchase or otherwise acquire an all-terrain vehicle  
17 28 without obtaining a certificate of title for it in that  
17 29 person's name.

17 30 Sec. 39. Section 321I.33, subsection 1, Code 2009, is  
17 31 amended to read as follows:

17 32 1. If ownership of an all-terrain vehicle is transferred by  
17 33 operation of law, such as by inheritance, order in bankruptcy,  
17 34 insolvency, replevin, or execution sale, the transferee,  
17 35 within thirty days after acquiring the right to possession of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

18 1 the all-terrain vehicle, shall mail or deliver to the county  
18 2 recorder of the transferee's county of residence satisfactory  
18 3 proof of ownership as the county recorder requires, together  
18 4 with an application for a new certificate of title, and the  
18 5 required fee.

18 6 Sec. 40. Section 321I.35, subsections 1 and 3, Code 2009,  
18 7 are amended to read as follows:

18 8 1. The department may assign a distinguishing number to an  
18 9 all-terrain vehicle when the serial number on the all-terrain  
18 10 vehicle is destroyed or obliterated and issue to the owner a  
18 11 special ~~plate~~ decal bearing the distinguishing number which  
18 12 shall be affixed to the all-terrain vehicle in a position to be  
18 13 determined by the department. The all-terrain vehicle shall be  
18 14 registered and titled under the distinguishing number in lieu  
18 15 of the former serial number. Every all-terrain vehicle shall  
18 16 have a vehicle identification number assigned and affixed as  
18 17 required by the department.

18 18 3. A person shall not destroy, remove, alter, cover, or  
18 19 deface the manufacturer's vehicle identification number, the  
18 20 plate or decal bearing it, or any vehicle identification number  
18 21 the department assigns to an all-terrain vehicle without the  
18 22 department's permission.

18 23 Sec. 41. Section 455A.13, Code 2009, is amended to read as  
18 24 follows:

18 25 455A.13 State nurseries.

18 26 1. Notwithstanding section 17A.2, subsection 11,  
18 27 paragraph "g", the department of natural resources shall adopt  
18 28 administrative rules establishing a range of prices of plant  
18 29 material grown at the state forest nurseries to cover all  
18 30 expenses related to the growing of the plants.

18 31 ~~1.~~ 2. The department shall develop programs to encourage  
18 32 the wise management and preservation of existing woodlands  
18 33 and shall continue its efforts to encourage forestation and  
18 34 reforestation on private and public lands in the state of Iowa  
18 35 and in other states.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

19 1     ~~2.~~ 3. The department shall encourage a cooperative  
19 2 relationship between the state forest nurseries and private  
19 3 nurseries in the state in order to achieve these goals.  
19 4     Sec. 42. Section 461A.25, Code 2009, is amended to read as  
19 5 follows:  
19 6     461A.25 Leases and easements.  
19 7     1. The commission may ~~recommend that the executive~~  
~~19 8 council~~ lease property under the commission's jurisdiction.  
19 9 All leases shall reserve to the public of the state the  
19 10 right to enter upon the property leased for any lawful  
19 11 purpose. ~~The council may, if it approves the recommendation~~  
~~19 12 and the~~ If a lease to be entered into is for a period  
19 13 of five years or less, upon approval by the commission, the  
19 14 director shall execute the lease in on behalf of the state  
19 15 and commission. If the recommendation is for a lease is  
19 16 for a period in excess of five years, with the exception of  
19 17 agricultural lands specifically dealt with in Article I,  
19 18 section 24 of the Constitution of the State of Iowa, the  
19 19 council commission shall advertise for bids. If a bid is  
~~19 20 accepted, the lease shall be let or executed by the council in~~  
~~19 21 accordance with the most desirable bid. The commission may~~  
19 22 accept bids and approve leases the commission determines to be  
19 23 in the best interest of the state. The lease A lease shall  
19 24 not be executed for a term longer than fifty years. Any such  
19 25 leasehold interest, including any improvements placed on it,  
19 26 shall be listed on the tax rolls as provided in chapters 428  
19 27 and 443; assessed and valued as provided in chapter 441; taxes  
19 28 shall be levied on it as provided in chapter 444 and collected  
19 29 as provided in chapter 445; and the leasehold interest is  
19 30 subject to tax sale, redemption, and apportionment of taxes  
19 31 as provided in chapters 446, 447, and 448. The lessee shall  
19 32 discharge and pay all taxes.  
19 33     2. The commission shall adopt rules providing for granting  
19 34 easements to political subdivisions and utility companies  
19 35 on state land under the jurisdiction of the department.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

20 1 An applicant for an easement shall provide the director  
20 2 with information setting forth the need for the easement,  
20 3 availability of alternatives, and measures proposed to prevent  
20 4 or minimize adverse impacts on the affected property. An  
20 5 easement shall be executed by the director, approved as to form  
20 6 by the attorney general, and if granted for a term longer than  
20 7 five years, approved by the commission.  
20 8 3. For the purposes of this section, property under the  
20 9 commission's jurisdiction does not include an area of the bed  
20 10 of a lake or river occupied by a dock or other appurtenance or  
20 11 means of access to a dock, including but not limited to boat  
20 12 hoists and boat slips, or occupied by a boat ramp, constructed  
20 13 or installed and maintained under littoral or riparian rights.  
20 14 Sec. 43. Section 461C.2, subsection 5, Code 2009, is amended  
20 15 to read as follows:  
20 16 5. "Recreational purpose" means the following or any  
20 17 combination thereof: Hunting, trapping, horseback riding,  
20 18 fishing, swimming, boating, camping, picnicking, hiking,  
20 19 pleasure driving, motorcycling, all-terrain vehicle  
20 20 riding, nature study, water skiing, snowmobiling, other  
20 21 summer and winter sports, and viewing or enjoying historical,  
20 22 archaeological, scenic, or scientific sites while going to and  
20 23 from or actually engaged therein.  
20 24 Sec. 44. Section 462A.2, Code 2009, is amended by adding the  
20 25 following new subsection:  
20 26 NEW SUBSECTION. 43A. "Watercraft education certificate"  
20 27 means a certificate, approved by the commission, which is  
20 28 issued to a qualified applicant who is twelve years of age or  
20 29 older but less than eighteen years of age who has successfully  
20 30 completed a watercraft education course approved by the  
20 31 department.  
20 32 Sec. 45. Section 462A.12, subsection 6, Code 2009, is  
20 33 amended to read as follows:  
20 34 6. An owner or operator of a vessel propelled by a motor  
20 35 of more than ten horsepower shall not permit any person



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

21 1 under twelve years of age to operate the vessel unless  
21 2 accompanied in or on the same vessel by a responsible person  
21 3 of at least eighteen years of age who is experienced in  
21 4 motorboat operation. A person who is twelve years of age  
21 5 or older but less than eighteen years of age shall not  
21 6 operate any vessel propelled by a motor of more than ten  
21 7 horsepower unless the person has successfully completed a  
21 8 department=~~approved~~ watercraft ~~safety~~ education course and  
21 9 obtained a watercraft ~~safety~~ education certificate or is  
21 10 accompanied in or on the same vessel by a responsible person  
21 11 of at least eighteen years of age who is experienced in  
21 12 motorboat operation. A person required to have a watercraft  
21 13 ~~safety~~ education certificate shall carry and shall exhibit or  
21 14 make available the certificate upon request of an officer of  
21 15 the department. A violation of this subsection is a simple  
21 16 misdemeanor as provided in section 462A.13. However, a person  
21 17 charged with violating this subsection shall not be convicted  
21 18 if the person produces in court, within a reasonable time, a  
21 19 ~~department=~~approved~~~~ watercraft education certificate. The  
21 20 cost of a ~~department~~ watercraft education certificate, or any  
21 21 duplicate, shall not exceed five dollars.

21 22 Sec. 46. NEW SECTION. 462A.12A Online watercraft education  
21 23 courses.

21 24 1. The department shall develop requirements and standards  
21 25 for online watercraft education courses. Only vendors who have  
21 26 entered into a memorandum of understanding with the department  
21 27 shall be approved by the department to offer an online  
21 28 watercraft education course that upon successful completion is  
21 29 sufficient to result in the issuance of a watercraft education  
21 30 certificate to the person who completes the course.

21 31 2. A vendor approved to offer an online watercraft education  
21 32 course as provided in subsection 1 may charge a fee for the  
21 33 course as agreed to in the memorandum of understanding with  
21 34 the department and may also collect the watercraft education  
21 35 certificate fee on behalf of the department as agreed to in the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

22 1 memorandum of understanding.

22 2 Sec. 47. Section 462A.36, Code 2009, is amended to read as  
22 3 follows:

22 4 462A.36 Fee for special certificate == minimum requirements  
22 5 for issuance.

22 6 1. Any manufacturer or dealer may, upon payment of a fee of  
22 7 fifteen dollars, make application to the commission, upon such  
22 8 forms as the commission prescribes, for a special certificate  
22 9 containing a general distinguishing number and for one or more  
22 10 duplicate special certificates. The applicant shall submit  
22 11 such reasonable proof of the applicant's status as a bona fide  
22 12 manufacturer or dealer as the commission may require.

22 13 2. The commission may adopt rules consistent with this  
22 14 chapter establishing minimum requirements for a dealer or  
22 15 manufacturer to be issued a special certificate. In adopting  
22 16 such rules the department shall consider the need to protect  
22 17 persons, property, and the environment, and to promote uniform  
22 18 practices relating to the sale and use of vessels. The  
22 19 commission may also adopt rules providing for the suspension or  
22 20 revocation of a dealer's or manufacturer's special certificate  
22 21 issued pursuant to this section.

22 22 Sec. 48. Section 462A.38, Code 2009, is amended to read as  
22 23 follows:

22 24 462A.38 ~~Duplicates~~ Duplicate special certificates.

22 25 The commission shall also issue duplicate special  
22 26 certificates as applied for which shall have displayed  
22 27 thereon the general distinguishing number assigned to the  
22 28 applicant. ~~Each duplicate special certificate so issued shall~~  
~~22 29 contain a number or symbol identifying the same from every~~  
~~22 30 other duplicate special certificate bearing the same general~~  
~~22 31 distinguishing number.~~ The fee for each additional duplicate  
22 32 special certificate shall be two dollars.

22 33 Sec. 49. Section 462A.39, Code 2009, is amended to read as  
22 34 follows:

22 35 462A.39 Expiration date.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

23 1 Each special certificate issued ~~hereunder~~ under this  
23 2 chapter shall be for a period of three years and shall expire  
23 3 at midnight on April 30 of the last calendar year of the  
23 4 registration period, and a new special certificate may be  
23 5 renewed for the ensuing registration another three-year period  
23 6 ~~may be obtained~~ upon application to the commission and payment  
23 7 of the fee provided by law.

23 8 Sec. 50. Section 462A.46, Code 2009, is amended to read as  
23 9 follows:

23 10 462A.46 Purchase of registered vessel by dealer.

23 11 Whenever a dealer purchases or otherwise acquires a  
23 12 vessel registered in this state, the dealer shall issue a  
23 13 signed receipt to the previous owner, indicating the date of  
23 14 purchase or acquisition, the name and address of such previous  
23 15 owner, and the registration number of the vessel purchased  
23 16 or acquired. ~~The original receipt shall be delivered to the~~  
~~23 17 previous owner and one copy shall be mailed or delivered by~~  
~~23 18 the dealer to the county recorder of the county in which the~~  
~~23 19 vessel is registered, and one copy shall be delivered to the~~  
~~23 20 commission within forty-eight hours.~~

23 21 Sec. 51. Section 462A.52, subsections 2 and 3, Code 2009,  
23 22 are amended to read as follows:

23 23 2. Notwithstanding subsection 1, any increase in revenues  
23 24 received on or after July 1, ~~2007~~ 2010, but on or before June  
23 25 30, 2013, pursuant to this section as a result of fee increases  
23 26 pursuant to 2005 Acts, ch. 137, shall be used by the commission  
23 27 only for the administration and enforcement of programs to  
23 28 control aquatic invasive species and for the administration and  
23 29 enforcement of navigation laws and water safety ~~upon the inland~~  
~~23 30 waters of this state~~ and shall be used in addition to funds  
23 31 already being expended by the commission each year for these  
23 32 purposes. The commission shall not reduce the amount of other  
23 33 funds being expended on an annual basis for these purposes  
23 34 as of July 1, 2005, during the period of the appropriation  
23 35 provided for in this subsection.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

24 1 3. The commission shall submit a written report to the  
24 2 general assembly by December 31, ~~2007~~ 2010, and by December 31  
24 3 of each year thereafter through December 31, 2013, summarizing  
24 4 the activities of the department in administering and enforcing  
24 5 programs to control aquatic invasive species and administering  
24 6 and enforcing navigation laws and water safety ~~upon the inland~~  
~~24 7 waters of the state.~~ The report shall include information  
24 8 concerning the amount of revenues collected pursuant to this  
24 9 section as a result of fee increases pursuant to 2005 Acts,  
24 10 ch. 137, and how the revenues were expended. The report shall  
24 11 also include information concerning the amount and source of  
24 12 all other funds expended by the commission during the year for  
24 13 the purposes of administering and enforcing programs to control  
24 14 aquatic invasive species and administering and enforcing  
24 15 navigation laws and water safety ~~upon the inland waters of the~~  
~~24 16 state~~ and how the funds were expended.

24 17 Sec. 52. Section 481A.22, Code 2009, is amended to read as  
24 18 follows:

24 19 481A.22 Field and retriever meets or trials == permit  
24 20 required.

24 21 1. All officially sanctioned field meets or trials  
24 22 and retriever meets or trials where the skill of dogs is  
24 23 demonstrated in pointing, retrieving, trailing, or chasing any  
24 24 game bird, game animal, or fur-bearing animal shall require a  
24 25 field meet or trial permit. Except as otherwise provided by  
24 26 law, it shall be unlawful to kill any wildlife in such events.

24 27 2. Notwithstanding the provisions of section 481A.21 it  
24 28 shall be lawful to hold field meets or trials and retriever  
24 29 meets or trials where dogs are permitted to work in exhibition  
24 30 or contest whereby the skill of dogs is demonstrated by  
24 31 retrieving dead or wounded game birds which have been  
24 32 propagated by licensed game breeders within the state or  
24 33 secured from lawful sources outside the state and lawfully  
24 34 brought into the state. All such birds must be released on  
24 35 the day of the meets or trials on premises where the meets



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

25 1 or trials are held.

25 2 3. a. ~~Such birds~~ Birds released pursuant to subsection  
25 3 2 may be shot by official guns after having secured a permit as  
25 4 herein provided.

25 5 b. Such permits may be issued by the director of the  
25 6 department upon proper application and the payment of a fee of  
25 7 ~~two~~ twenty-five dollars for each trial held with twenty-five  
25 8 or more participating dogs and a fee of eight dollars for each  
25 9 trial held with less than twenty-five participating dogs.

25 10 4. A representative of the department shall attend all such  
25 11 meets or trials and enforce the laws and regulations governing  
25 12 same the meets or trials.

25 13 5. The person or persons designated by the committee in  
25 14 charge to do the shooting for such meets or trials shall be  
25 15 known as the official guns, and no other person shall be  
25 16 permitted to kill or attempt to kill any of the birds released  
25 17 for such meets or trials.

25 18 6. Before any birds are released under this section,  
25 19 they ~~must~~ shall each have attached a tag provided by the  
25 20 department and attached by a representative of the department  
25 21 at a cost of not more than ten cents for each tag. All tags  
25 22 ~~are to~~ shall remain attached to birds until prepared for  
25 23 consumption.

25 24 7. It is unlawful for any person to hold, conduct, or to  
25 25 participate in a field or retriever meet or trial before the  
25 26 permit required by this section has been secured or for any  
25 27 person to possess or remove from the meet or trial grounds any  
25 28 birds which have not been tagged as herein required.

25 29 Sec. 53. NEW SECTION. 481A.41 Feeding or baiting of  
25 30 wildlife prohibited.

25 31 1. As used in this section, unless the context otherwise  
25 32 requires:

25 33 a. "Baited area" means any area where any feed is  
25 34 intentionally placed, deposited, distributed, or scattered  
25 35 so as to lure, attract, or entice wildlife to, on, or over a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

26 1 specific location. An area shall remain a baited area for  
26 2 thirty days following complete removal of all feed, except for  
26 3 salt, minerals, or any other feed that will dissolve and leach  
26 4 into the soil, in which case such area shall be considered a  
26 5 permanently baited area until such time as all contaminated  
26 6 soil is either removed or covered in such a manner that the  
26 7 area no longer serves to artificially attract wildlife.  
26 8     b. "Feed" means any grain, fruit, vegetable, nut, hay,  
26 9 salt, mineral, or any other natural food material, commercial  
26 10 products containing natural food materials or by-products of  
26 11 such materials, or other food material that is capable of  
26 12 luring, attracting, or enticing wildlife. Scents or lures used  
26 13 to mask human odor or attract wildlife by the sense of smell  
26 14 are not considered feed.  
26 15     c. "Wildlife" means any wild bird or wild animal residing in  
26 16 or migrating through the state of Iowa.  
26 17     2. Except as provided in subsection 3, feeding or baiting  
26 18 of wildlife is unlawful. A person shall not place, deposit,  
26 19 distribute, or scatter feed for wildlife on any public or  
26 20 private property, or knowingly allow another person to place,  
26 21 deposit, distribute, or scatter feed for wildlife on private  
26 22 property under the person's ownership or lease in the state.  
26 23 It shall be unlawful to hunt, take, or attempt to take any  
26 24 wildlife on or in a baited area.  
26 25     3. The prohibitions contained in subsection 2 are not  
26 26 applicable to the following:  
26 27     a. Feed that is used to attract wildlife for viewing and  
26 28 observation if the feed is placed within fifty yards of a  
26 29 residence, dwelling, or other structure permanently inhabited  
26 30 by a person. However, such an area shall be considered a  
26 31 baited area for the purpose of hunting, taking, or attempting  
26 32 to take wildlife in or on that area.  
26 33     b. Feed that is present solely as a result of normal  
26 34 agricultural, forest management, orchard management, wildlife  
26 35 food planting, or other similar land management practices.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

27 1 c. Feed that is placed for agricultural or livestock  
27 2 purposes if one or more of the following conditions apply:  
27 3 (1) The feed is placed for domestic livestock that are  
27 4 present and actively consuming the feed on a regular basis.  
27 5 (2) The feed is covered to deter wildlife from gaining  
27 6 access to the feed, or the feed is stored in a manner  
27 7 consistent with normal agricultural practices.  
27 8 d. Feed that is placed for purposes such as including  
27 9 but not limited to population control, capture and handling  
27 10 of wildlife, or other specific purposes under written  
27 11 authorization from the director or the director's designee,  
27 12 or as otherwise provided by law. This section shall not  
27 13 be construed to limit employees of agencies of the state,  
27 14 the United States, or local animal control officers in the  
27 15 performance of their official duties related to public health,  
27 16 wildlife management, or wildlife removal.  
27 17 e. Feed that is placed for the purpose of luring fur-bearing  
27 18 animals for trapping as permitted by law.  
27 19 f. Feed that is placed within the confines of a whitetail  
27 20 deer hunting preserve that is licensed by the department  
27 21 pursuant to chapter 484C.  
27 22 4. During the twelve-month period beginning July 1,  
27 23 2010, and ending June 30, 2011, peace officers shall issue  
27 24 only warning citations for violations of this section. This  
27 25 subsection is repealed July 1, 2011.  
27 26 Sec. 54. Section 483A.1, subsection 2, paragraph s, Code  
27 27 Supplement 2009, is amended by striking the paragraph.  
27 28 Sec. 55. Section 805.8B, subsection 2, paragraphs a and g,  
27 29 Code Supplement 2009, are amended to read as follows:  
27 30 a. For registration or user permit violations under section  
27 31 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is  
27 32 fifty dollars.  
27 33 g. For violations of section 321G.20 and for  
27 34 ~~safety~~ education certificate violations under section  
27 35 321G.24, subsection 1, the scheduled fine is fifty dollars.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

28 1 Sec. 56. Section 805.8B, subsection 2A, paragraphs a and g,  
28 2 Code Supplement 2009, are amended to read as follows:

28 3 a. For registration or user permit violations under section  
28 4 321I.3, ~~subsections subsection 1 and 2~~, the scheduled fine is  
28 5 fifty dollars.

28 6 g. For violations of section 321I.21 and for  
28 7 ~~safety~~ education certificate violations under section  
28 8 321I.26, subsection 1, the scheduled fine is fifty dollars.

28 9 Sec. 57. Section 805.8B, subsection 6, paragraph c, Code  
28 10 Supplement 2009, is amended to read as follows:

28 11 c. For violations of ~~section~~ sections 461A.35, 461A.42,  
28 12 and 461A.44, the scheduled fine is fifty dollars.

28 13 Sec. 58. REPEAL. Sections 462A.40 and 462A.42, Code 2009,  
28 14 are repealed.

28 15 Sec. 59. REPEAL. Chapter 568, Code 2009, is repealed.

28 16 EXPLANATION

28 17 This bill relates to various conservation and recreation  
28 18 activities under the purview of the department of natural  
28 19 resources, and makes penalties applicable.

28 20 SNOWMOBILE REGULATION. The bill makes numerous revisions  
28 21 to Code chapter 321G, which provides for the regulation  
28 22 of snowmobiles by the department. The bill specifies that  
28 23 the natural resource commission may adopt rules for the  
28 24 use of snowmobiles on designated snowmobile trails and for  
28 25 maintenance, signing, and operation of the trails. The scope  
28 26 of grant programs and contracts administered by the department  
28 27 is expanded to include the signage of designated snowmobile  
28 28 trails. "Designated snowmobile trail" is defined to mean a  
28 29 snowmobile riding trail on any public land, private land, or  
28 30 public ice that is designated by the department, a political  
28 31 subdivision, or a controlling authority for snowmobile use.

28 32 The bill specifies that the original application for  
28 33 registration of a snowmobile must be filed with the county  
28 34 recorder of the owner's county of residence. If a transfer  
28 35 of ownership occurs by operation of law, the application must



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2481 - Introduced continued

29 1 be filed in the transferee's county of residence. Duplicate  
29 2 registrations and registration renewals may be accomplished  
29 3 through a county recorder or a license agent and fees collected  
29 4 by a county recorder or license agent are to be remitted  
29 5 directly to the commission.

29 6 The bill revises the list of exemptions from snowmobile  
29 7 registration requirements by removing snowmobiles owned by  
29 8 another state or a political subdivision of another state  
29 9 and by adding snowmobiles owned by this state or a political  
29 10 subdivision of this state. Current provisions for the  
29 11 issuance of registration certificates and registration decals  
29 12 for snowmobiles owned by the state of Iowa or its political  
29 13 subdivisions is stricken.

29 14 The bill makes a technical change requiring every snowmobile  
29 15 to be equipped with a headlight and a taillight, rather than a  
29 16 headlamp and a tail lamp.

29 17 The bill increases the fee for a special registration  
29 18 certificate from \$15 to \$45 for snowmobile manufacturers,  
29 19 distributors, and dealers and extends the registration  
29 20 period from one year to three years. The bill provides  
29 21 for the issuance of a special registration decal along with  
29 22 the special registration certificate. The decal is to be  
29 23 displayed on a snowmobile when it is being operated for  
29 24 purposes of transporting, testing, demonstrating, or selling  
29 25 the snowmobile. Duplicate registration certificates and decals  
29 26 may be issued for a fee of \$5.

29 27 Pursuant to current law, a safety certificate is required  
29 28 for operation of a snowmobile by a person under 16 years of  
29 29 age, and a person 12 to 15 years of age must be under the direct  
29 30 supervision of a parent, guardian, or another adult authorized  
29 31 by the parent or guardian when operating a snowmobile. The  
29 32 bill makes a terminology change by replacing the existing  
29 33 "safety certificate" with an "education certificate" throughout  
29 34 Code chapter 321G. In addition, the bill defines "direct  
29 35 supervision" to mean providing supervision of another person



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2481 - Introduced continued

30 1 while maintaining visual and verbal contact at all times.  
30 2 The bill authorizes the department to develop requirements  
30 3 and standards for the provision of online education resulting  
30 4 in the issuance of education certificates. A vendor must  
30 5 enter into a memorandum of understanding with the department  
30 6 to conduct such a course. Pursuant to the memorandum of  
30 7 understanding, a vendor may charge a fee for the online course  
30 8 and collect the education certificate fee on behalf of the  
30 9 department.

30 10 The bill provides that when a serial number on a snowmobile  
30 11 is destroyed or obliterated and the department assigns a  
30 12 distinguishing number to the snowmobile, the department may  
30 13 issue a special decal, rather than a plate, to be affixed to  
30 14 the snowmobile and bearing the distinguishing number.

30 15 ALL=TERRAIN VEHICLE REGULATION. The bill makes numerous  
30 16 revisions to Code chapter 321I, which provides for the  
30 17 regulation of all-terrain vehicles by the department. The bill  
30 18 specifies that the original application for registration of an  
30 19 all-terrain vehicle must be filed with the county recorder of  
30 20 the county of residence. If a transfer of ownership occurs  
30 21 by operation of law, the application must be filed in the  
30 22 transferee's county of residence. Duplicate registrations and  
30 23 registration renewals may be accomplished through a county  
30 24 recorder or a license agent, and fees collected by a county  
30 25 recorder or license agent are to be remitted directly to the  
30 26 commission. The bill revises the list of exemptions from  
30 27 registration requirements by removing all-terrain vehicles  
30 28 owned by another state or a political subdivision of another  
30 29 state and by adding all-terrain vehicles owned by this state  
30 30 or a political subdivision of this state. Current provisions  
30 31 for the issuance of registration certificates and registration  
30 32 decals for all-terrain vehicles owned by the state of Iowa or  
30 33 its political subdivisions is stricken.

30 34 The bill makes a technical change requiring every  
30 35 all-terrain vehicle to be equipped with a headlight and a



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2481 - Introduced continued

31 1 taillight, rather than a headlamp and a tail lamp.  
31 2       The bill provides for the inclusion of motorcycles and  
31 3 off=road utility vehicles in special events and strikes a  
31 4 requirement for the crediting of motorcycle entrance fees for  
31 5 such events. Also, the requirement that the department furnish  
31 6 a copy of the rules for a special event to an applicant for the  
31 7 event is stricken in the bill.  
31 8       The bill makes technical changes to clarify language  
31 9 relating to a person who violates a stop signal from a peace  
31 10 officer.  
31 11       The bill increases the fee for a special registration  
31 12 certificate from \$15 to \$45 for all=terrain vehicle  
31 13 manufacturers, distributors, and dealers and extends the  
31 14 registration period from one year to three years. The bill  
31 15 provides for the issuance of a special registration decal  
31 16 along with the special registration certificate. The decal  
31 17 is to be displayed on an all=terrain vehicle when it is being  
31 18 operated for purposes of transporting, testing, demonstrating,  
31 19 or selling the vehicle. Duplicate registration certificates  
31 20 and decals may be issued for a fee of \$5.  
31 21       Pursuant to current law, a safety certificate is required  
31 22 for operation of an all=terrain vehicle on public land or ice  
31 23 by a person between 12 and 18 years of age. The bill replaces  
31 24 the "safety certificate" with an "education certificate"  
31 25 throughout Code chapter 321I. The bill authorizes the  
31 26 department to develop requirements and standards for the  
31 27 provision of online education resulting in the issuance of  
31 28 education certificates. A vendor must enter into a memorandum  
31 29 of understanding with the department to conduct such a course.  
31 30 Pursuant to the memorandum of understanding, a vendor may  
31 31 charge a fee for the online course and collect the education  
31 32 certificate fee on behalf of the department.  
31 33       The bill provides that when a serial number on an all=terrain  
31 34 vehicle is destroyed or obliterated and the department assigns  
31 35 a distinguishing number to the all=terrain vehicle, the



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2481 - Introduced continued

32 1 department may issue a special decal, rather than a plate,  
32 2 to be affixed to the all-terrain vehicle and bearing the  
32 3 distinguishing number.

32 4 STATE NURSERIES. Code section 455A.13 is amended to require  
32 5 the department to continue to develop programs to encourage  
32 6 the wise management and preservation of existing woodlands and  
32 7 reforestation on private and public land both in Iowa and other  
32 8 states.

32 9 LEASES OF PUBLIC PROPERTY. Code section 461A.25 is amended  
32 10 to provide that the natural resource commission instead of the  
32 11 executive council may approve leases of public property that  
32 12 are in the best interest of the state. Leases that are for  
32 13 a period in excess of five years must be advertised for bids  
32 14 before approval by the commission.

32 15 PUBLIC USE OF PRIVATE LANDS AND WATERS. Code section  
32 16 461C.2(5) is amended to include all-terrain vehicle riding  
32 17 among the public recreational purposes to be encouraged on  
32 18 private land in the state.

32 19 WATERCRAFT EDUCATION COURSES AND CERTIFICATES. Code section  
32 20 462A.2 is amended to include a definition of "watercraft  
32 21 education certificate" that is issued to a qualified applicant  
32 22 12 to 17 years of age. Code section 462A.12(6) is amended to  
32 23 change the nomenclature for the requirements that must be met  
32 24 by a 12 to 17 year old to operate certain watercraft without an  
32 25 adult in the watercraft. Such a person is required to complete  
32 26 a department-approved watercraft education, instead of safety,  
32 27 course and obtain a watercraft education, instead of safety,  
32 28 certificate.

32 29 New Code section 462A.12A requires the department to  
32 30 develop requirements and standards for vendors to offer online  
32 31 watercraft education courses. Approved vendors may charge a  
32 32 fee for the course as provided in a memorandum of understanding  
32 33 with the department and must also collect the watercraft  
32 34 education certificate fee on behalf of the department if the  
32 35 course is offered independently of a required field day or



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2481 - Introduced continued

33 1 other curriculum requirements.

33 2       SPECIAL CERTIFICATES FOR WATERCRAFT DEALERS AND

33 3 MANUFACTURERS. Code section 462A.36 is amended to require the

33 4 natural resource commission to adopt rules establishing minimum

33 5 requirements for special certificates to be issued, suspended,

33 6 or revoked for vessel dealers or manufacturers, instead

33 7 of registrations, considering the need to protect persons,

33 8 property, and the environment, and to promote uniform practices

33 9 relating to the sale and use of vessels.

33 10       Code section 462A.38 is amended to delete a requirement that

33 11 duplicate special certificates issued contain unique numbers

33 12 or symbols.

33 13       Code section 462A.39 is amended to provide that each special

33 14 certificate is issued for three years, expires on April 30 of

33 15 the last calendar year of the registration period, and may be

33 16 renewed for another three-year period upon application and

33 17 payment of a fee.

33 18       Code section 462A.40, requiring manufacturers or dealers

33 19 to keep written records of the vessels upon which special

33 20 certificates are used, and Code section 462A.42, requiring

33 21 dealers to furnish a list to the commission each year of all

33 22 used vessels held by them and for which registration has not

33 23 been paid, are repealed.

33 24       Code section 462A.46 is amended to delete a requirement that

33 25 when a dealer purchases or acquires a registered vessel, the

33 26 dealer must mail or deliver a copy of the original receipt

33 27 issued to the county recorder of the county where the vessel

33 28 is registered and to the natural resource commission within 48

33 29 hours.

33 30       CONTROL OF AQUATIC INVASIVE SPECIES. Code section 462A.52

33 31 is amended to provide that the natural resource commission is

33 32 not limited to using increases in revenue received on or after

33 33 July 1, 2010, resulting from boat registration fee increases

33 34 enacted in 2005, for the administration and enforcement

33 35 of programs to control aquatic invasive species and to the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2481 - Introduced continued

34 1 administration and enforcement of navigation laws and water  
34 2 safety only upon the inland waters of the state.  
34 3 WILDLIFE CONSERVATION. Code section 481A.22 is amended to  
34 4 provide that permits allowing birds released at an officially  
34 5 sanctioned field or retriever meet or trial to be shot by  
34 6 designated persons, may be issued by the director of the  
34 7 department of natural resources upon application and payment of  
34 8 a fee based on the number of participating dogs.  
34 9 New Code section 481A.41 prohibits the feeding or baiting  
34 10 of wild birds or animals by intentionally placing, depositing,  
34 11 distributing, or scattering feed to lure or attract such  
34 12 wildlife to a specific location. The provision also prohibits  
34 13 hunting, taking, or attempting to take wildlife in such  
34 14 an area. There are a number of specific exceptions to the  
34 15 prohibition against feeding or baiting wildlife. Peace  
34 16 officers shall issue warning citations for a violation of the  
34 17 new provision from July 1, 2010, through June 30, 2011.  
34 18 FALCONRY LICENSE. Code section 483A.1(2)(s) allowing for  
34 19 the sale of falconry licenses to nonresidents, is stricken.  
34 20 ISLANDS AND ABANDONED RIVER CHANNELS. Code chapter 568  
34 21 concerning the sale and disposal of abandoned channels of  
34 22 navigable streams and unsurveyed or unplatted bars or islands  
34 23 in the channels of navigable streams in Iowa, is repealed.  
34 24 PUBLIC LANDS AND WATERS == PENALTIES. Code section  
34 25 805.8B(6)(c) is amended to provide that a violation of Code  
34 26 section 461A.35 prohibiting destructive acts on public lands  
34 27 and waters, and Code section 461A.42 prohibiting the use of  
34 28 firearms, explosives, weapons, and fireworks in state parks and  
34 29 preserves with some exceptions, is punishable as a scheduled  
34 30 violation with a fine of \$50. Currently, a person who violates  
34 31 one of these Code sections is guilty of a simple misdemeanor.  
LSB 5362HV (4) 83  
av/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2482 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 556)

**A BILL FOR**

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2482 - Introduced continued

PAG LIN

1 1 Section 1. REPEAL. Section 602.9110, Code 2009, is  
1 2 repealed.

1 3 EXPLANATION

1 4 This bill eliminates the restriction in current law that  
1 5 provides that no retirement annuity under the judicial  
1 6 retirement system shall be paid to an annuitant, except for a  
1 7 survivor, if the annuitant is employed in any public employment  
1 8 other than as a senior judge.

LSB 5586HV (2) 83

ec/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2483 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 709)

**A BILL FOR**

1 An Act relating to trusts and estates including provisions  
2 relating to state inheritance tax, uniform transfers to  
3 minors, and medical assistance claims, and including an  
4 applicability provision.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5186HV (2) 83  
rh/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

PAG LIN

1 1 Section 1. Section 450.4, subsection 5, Code 2009, is  
1 2 amended by striking the subsection and inserting in lieu  
1 3 thereof the following:

1 4 5. a. On that portion of the decedent's interest in an  
1 5 employer=provided or employer=sponsored retirement plan or on  
1 6 that portion of the decedent's individual retirement account  
1 7 that will be subject to federal income tax when paid to the  
1 8 beneficiary. This exemption shall apply regardless of the  
1 9 identity of the beneficiary and regardless of the number of  
1 10 payments to be made after the decedent's death.

1 11 b. For purposes of this exemption:

1 12 (1) An individual retirement account includes an individual  
1 13 retirement annuity or any other arrangement as defined in  
1 14 section 408 of the Internal Revenue Code.

1 15 (2) An "employer=provided or employer=sponsored retirement  
1 16 plan" includes a qualified retirement plan as defined in section  
1 17 401 of the Internal Revenue Code, a governmental or nonprofit  
1 18 employer's deferred compensation plan as defined in section  
1 19 457 of the Internal Revenue Code, and an annuity as defined in  
1 20 section 403 of the Internal Revenue Code.

1 21 Sec. 2. Section 565B.6, subsection 3, paragraph c, Code  
1 22 2009, is amended to read as follows:

1 23 c. The transfer is authorized by the court if all ~~transfers~~  
1 24 ~~(including transfers, including the transfer to be made and~~  
1 25 ~~prior transfers) transfers, exceed ten twenty=~~five thousand  
1 26 dollars in value. Transfers by a personal representative,  
1 27 trustee, or conservator shall not be aggregated, but each  
1 28 personal representative, trustee, or conservator shall be  
1 29 treated separately.

1 30 Sec. 3. Section 633.63, subsection 1, Code 2009, is amended  
1 31 to read as follows:

1 32 1. Any natural person of full age, who is a resident of this  
1 33 state, is qualified to serve as a fiduciary, except any of the  
1 34 following:

1 35 a. ~~One who is under legal incompetency or is a chronic~~



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

~~House File 2483 — Introduced continued~~

~~2 1 alcoholic or a spendthrift A person who is incompetent.~~  
 2 2     b. Any other person whom the court determines to be  
 2 3 unsuitable.  
 2 4     Sec. 4. Section 633.231, Code 2009, is amended to read as  
 2 5 follows:  
 2 6     633.231 Notice in intestate estates == medical assistance  
 2 7 claims.  
 2 8     1. Upon opening administration of an intestate estate,  
 2 9 the administrator shall, in accordance with section 633.410,  
 2 10 provide by ~~ordinary mail~~ electronic transmission on a form  
 2 11 approved by the department of human services to the entity  
 2 12 designated by the department of human services, a notice of  
 2 13 opening administration of the estate and of the appointment  
 2 14 of the administrator, which shall include a notice to file  
 2 15 claims with the clerk or to provide electronic notification to  
 2 16 the administrator that the department has no claim within the  
~~2 17 later to occur of four months from the second publication of~~  
~~2 18 the notice to creditors or six months from the date of mailing~~  
~~2 19 of sending this notice, or thereafter be forever barred.~~  
 2 20     2. The notice shall be in substantially the following form:  
 2 21     NOTICE OF OPENING ADMINISTRATION  
 2 22     OF ESTATE, OF APPOINTMENT OF  
 2 23     ADMINISTRATOR, AND NOTICE  
 2 24     TO CREDITOR  
 2 25     In the District Court of Iowa  
 2 26     In and for .... County.  
 2 27     In the Estate of ....., Deceased  
 2 28     Probate No. ....  
 2 29     To the Department of Human Services Who May Be Interested in  
 2 30 the Estate of ....., Deceased, who died on  
 2 31 or about .... (date):  
 2 32     You are hereby notified that on the ... day of  
 2 33 .... (month), ... (year), an intestate  
 2 34 estate was opened in the above-named court and  
 2 35 that ..... was appointed



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2483 - Introduced continued

3 1 administrator of the estate.  
 3 2 You are further notified that the birthdate of the deceased  
 3 3 is .... and the deceased's social security number  
 3 4 is ...=...=.... The name of the  
 3 5 spouse is ..... The birthdate of the spouse is  
 3 6 .... and the spouse's social security number is  
 3 7 ...=...=....., and that the spouse  
 3 8 of the deceased is alive as of the date of this notice, or  
 3 9 deceased as of .... (date).  
 3 10 You are further notified that the deceased was/was  
 3 11 not a disabled or a blind child of the medical assistance  
 3 12 recipient by the name of ....., who had a  
 3 13 birthdate of .... and a social security number  
 3 14 of ...=...=....., and the medical  
 3 15 assistance debt of that medical assistance recipient was  
 3 16 waived pursuant to section 249A.5, subsection 2, paragraph  
 3 17 "a", subparagraph (1), and is now collectible from this estate  
 3 18 pursuant to section 249A.5, subsection 2, paragraph "b".  
 3 19 Notice is hereby given that if the department of human  
 3 20 services has a claim against the estate for the deceased person  
 3 21 or persons named in this notice, the claim shall be filed with  
 3 22 the clerk of the above-named district court, as provided by  
 3 23 law, duly authenticated, for allowance, ~~and unless so filed by~~  
~~3 24 the later to occur of four months from the second publication~~  
~~3 25 of the notice to creditors or six months from the date of the~~  
~~3 26 mailing of this notice within six months from the date of~~  
3 27 sending this notice and, unless otherwise allowed or paid, the  
3 28 claim is thereafter forever barred. If the department does not  
3 29 have a claim, the department shall return the notice to the  
3 30 executor with notification stating the department does not have  
3 31 a claim within six months from the date of sending this notice.  
 3 32 Dated this ... day of .... (month),  
 3 33 ... (year)  
 3 34 .....  
 3 35 Administrator of estate



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2483 - Introduced continued

4 1 .....  
 4 2 Address  
 4 3 .....  
 4 4 Attorney for administrator  
 4 5 .....  
 4 6 Address  
 4 7 ~~Date of second publication~~  
 4 8 ~~... day of .... (month),~~  
~~4 9 ... (year)~~  
 4 10 Sec. 5. Section 633.304A, Code 2009, is amended to read as  
 4 11 follows:  
 4 12 633.304A Notice of probate of will == medical assistance  
 4 13 claims.  
 4 14 1. On admission of a will to probate, the executor shall,  
 4 15 in accordance with section 633.410, provide by ~~ordinary~~  
~~4 16 mail electronic transmission on a form approved by the~~  
~~4 17 department of human services to the entity designated by the~~  
~~4 18 department of human services, a notice of admission of the will~~  
~~4 19 to probate and of the appointment of the executor, which shall~~  
~~4 20 include a notice to file claims with the clerk or to provide~~  
~~4 21 electronic notification to the executor that the department has~~  
~~4 22 no claim within the later to occur of four six months from the~~  
~~4 23 second publication of the notice to creditors or six months~~  
~~4 24 from the date of mailing of sending this notice, or thereafter~~  
 4 25 be forever barred.  
 4 26 2. The notice shall be in substantially the following form:  
 4 27 NOTICE OF PROBATE OF WILL,  
 4 28 OF APPOINTMENT OF EXECUTOR,  
 4 29 AND NOTICE TO CREDITORS  
 4 30 In the District Court of Iowa  
 4 31 In and for .... County.  
 4 32 In the Estate of ....., Deceased  
 4 33 Probate No. ....  
 4 34 To the Department of Human Services, Who May Be Interested in  
 4 35 the Estate of ....., Deceased, who died on



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

5 1 or about .... (date):

5 2 You are hereby notified that on the .. day of

5 3 .... (month), .. (year), the last will

5 4 and testament of ....., deceased,

5 5 bearing date of the .. day of .... (month),

5 6 .. (year), was admitted to

5 7 probate in the above-named court and that

5 8 ..... was appointed executor of

5 9 the estate.

5 10 You are further notified that the birthdate of the deceased

5 11 is ..... and the deceased's social security

5 12 number is ..=..=..... The name of

5 13 the spouse is ..... The birthdate of the spouse

5 14 is .... and the spouse's social security number

5 15 is ..=..=....., and that the spouse

5 16 of the deceased is alive as of the date of this notice, or

5 17 deceased as of ..... (date).

5 18 You are further notified that the deceased was/was

5 19 not a disabled or a blind child of the medical assistance

5 20 recipient by the name of ....., who had a

5 21 birthdate of .... and a social security number

5 22 of ..=..=....., and the medical

5 23 assistance debt of that medical assistance recipient was

5 24 waived pursuant to section 249A.5, subsection 2, paragraph

5 25 "a", subparagraph (1), and is now collectible from this estate

5 26 pursuant to section 249A.5, subsection 2, paragraph "b".

5 27 Notice is hereby given that if the department of human

5 28 services has a claim against the estate for the deceased person

5 29 or persons named in this notice, the claim shall be filed with

5 30 the clerk of the above-named district court, as provided by

5 31 law, duly authenticated, for allowance, ~~and unless so filed by~~

~~5 32 the later to occur of four months from the second publication~~

~~5 33 of the notice to creditors or six months from the date of~~

~~5 34 mailing of this notice within six months from the date of~~

~~5 35 sending this notice and,~~ unless otherwise allowed or paid, the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2483 - Introduced continued

6 1 claim is thereafter forever barred. If the department does not  
6 2 have a claim, the department shall return the notice to the  
6 3 executor with notification that the department does not have a  
6 4 claim within six months from the date of sending this notice.  
6 5 Dated this .. day of .....  
6 6 (month), .. (year)  
6 7 .....  
6 8 Executor of estate  
6 9 .....  
6 10 Address  
6 11 .....  
6 12 Attorney for executor  
6 13 .....  
6 14 Address  
6 15 ~~Date of second publication~~  
6 16 ~~.. day of ..... (month),~~  
6 17 ~~.. (year)~~  
6 18 Sec. 6. Section 633.356, subsection 1, Code 2009, is amended  
6 19 to read as follows:  
6 20 1. When the gross value of the decedent's personal property  
6 21 that would otherwise be distributed by will or intestate  
6 22 succession does not exceed twenty-five thousand dollars and  
6 23 there is no real property or the real property passes to  
6 24 persons exempt from inheritance tax pursuant to section 450.9  
6 25 as joint tenants with right of survivorship, and if forty days  
6 26 have elapsed since the death of the decedent, the successor  
6 27 of the decedent as defined in subsection 2 may, by filing an  
6 28 affidavit prepared pursuant to subsection 3 or 8, and without  
6 29 procuring letters of appointment, do any of the following  
6 30 with respect to one or more particular items of such personal  
6 31 property:  
6 32 a. Receive any particular item of tangible personal property  
6 33 ~~that is tangible personal property~~ of the decedent.  
6 34 b. Have any ~~particular item of property that is~~ evidence  
6 35 of a debt, obligation, interest, right, security, or chose in



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

7 1 action belonging to the decedent transferred.

7 2 c. Collect the proceeds from any life insurance policy or  
7 3 any other item of property for which a beneficiary has not been  
7 4 designated.

7 5 Sec. 7. Section 633.410, subsection 2, Code 2009, is amended  
7 6 to read as follows:

7 7 2. Notwithstanding subsection 1, claims for debts created  
7 8 under section 249A.5, subsection 2, relating to the recovery of  
7 9 medical assistance payments shall be barred under this section  
7 10 unless filed with the clerk within ~~the later to occur of four~~  
~~7 11 months after the date of the second publication of the notice~~  
~~7 12 to creditors, or six months after service of sending notice by~~  
7 13 ~~ordinary mail~~ electronic transmission, on the form prescribed  
7 14 in section 633.231 for intestate estates or on the form  
7 15 prescribed in section 633.304A for testate estates, to the  
7 16 entity designated by the department of human services to  
7 17 receive notice.

7 18 Sec. 8. Section 633A.4502, subsection 2, Code Supplement  
7 19 2009, is amended to read as follows:

7 20 2. ~~This~~ The exception created in subsection 1 of  
7 21 this section does not apply to any trust created prior to  
7 22 July 1, 2002, and applies to trusts created on or after  
~~7 23 July 1, 2002, unless the settlor has specifically waived the~~  
~~7 24 requirements of this section in the trust instrument. Waiver~~  
~~7 25 of this section shall not bar any beneficiary's common law~~  
~~7 26 right to an accounting, and shall not provide any immunity to a~~  
~~7 27 trustee, acting under the terms of the trust, for liability to~~  
~~7 28 any beneficiary who discovers facts giving rise to a cause of~~  
~~7 29 action against the trustee.~~

7 30 Sec. 9. Section 633A.4604, Code 2009, is amended to read as  
7 31 follows:

7 32 633A.4604 Certification of trust.

7 33 1. A trustee may present a certification of trust to any  
7 34 person in lieu of providing a copy of the trust instrument to  
7 35 establish the ~~existence or terms of the trust~~ trust's existence



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

8 1 or terms or the trustee's authority.

8 2 2. The certification must contain a statement that the trust  
8 3 has not been revoked, modified, or amended in any manner which  
8 4 would cause the representations contained in the certification  
8 5 of trust to be incorrect and must contain a statement that it  
8 6 is being signed by all of the currently acting trustees of the  
8 7 trust and is sworn and subscribed to under penalty of perjury  
8 8 before a notary public.

8 9 3. A certification of trust need not contain the dispositive  
8 10 provisions of the trust which set forth the distribution of the  
8 11 trust estate.

8 12 4. A person may require that the trustee offering the  
8 13 certification of trust provide proof of the trustee's identity  
8 14 and copies of those excerpts from the original trust instrument  
8 15 and amendments to the original trust instrument which designate  
8 16 the trustee and confer upon the trustee the power to act in the  
8 17 pending transaction.

8 18 5. A person who acts in reliance upon a certification  
8 19 of trust ~~without~~ after taking reasonable steps to verify  
8 20 the identity of the trustee and without knowledge that the  
8 21 representations contained in the certification are incorrect  
8 22 is not liable to any person for so acting and may assume  
8 23 without inquiry the existence of the facts contained in the  
8 24 certification. The period of time to verify the identity of  
8 25 the trustee shall not exceed ten business days from the date  
8 26 the person received the certification of trust. Knowledge  
8 27 shall not be inferred solely from the fact that a copy of all or  
8 28 part of the trust instrument is held by the person relying upon  
8 29 the trust certification. A transaction, and a lien created  
8 30 by a transaction, entered into by the trustee and a person  
8 31 acting in reliance upon a certification of trust is enforceable  
8 32 against the trust assets.

8 33 6. A person making a demand for the trust instrument in  
8 34 addition to a certification of trust or excerpts shall be  
8 35 liable for damages, including attorney fees, incurred as a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

9 1 result of the refusal to accept the certification of trust  
9 2 or excerpts in lieu of the trust instrument if the court  
9 3 determines that the person acted unreasonably in requesting the  
9 4 trust instrument.

9 5 7. a. If a trustee has provided a certification of  
9 6 trust and a person refuses to pay, deliver, or transfer any  
9 7 property owed to or owned by the trust within a reasonable  
9 8 time thereafter, the trustee may bring an action under this  
9 9 subsection and the court may award any or all of the following  
9 10 to the trustee:

9 11 (1) Any damages sustained by the trust.

9 12 (2) The costs of the action.

9 13 (3) A penalty in an amount of not less than five hundred  
9 14 dollars and not more than ten thousand dollars.

9 15 (4) Reasonable attorney fees, based on the value of the time  
9 16 reasonably expended by the attorney and not on the amount of  
9 17 the recovery on behalf of the trustee.

9 18 b. An action shall not be brought under this subsection more  
9 19 than one year after the date of the occurrence of the alleged  
9 20 violation.

9 21 ~~7.~~ 8. This section does not limit the rights of  
9 22 beneficiaries to obtain copies of the trust instrument or  
9 23 rights of others to obtain copies in a proceeding concerning  
9 24 the trust.

9 25 Sec. 10. Section 633A.6101, Code 2009, is amended to read  
9 26 as follows:

9 27 633A.6101 Subject matter jurisdiction.

9 28 1. The district court sitting in probate has exclusive  
9 29 jurisdiction of proceedings concerning the internal affairs  
9 30 of a trust and of actions and proceedings to determine  
9 31 the existence of a trust, actions and proceedings by or  
9 32 against creditors or debtors of a trust, and other actions  
9 33 and proceedings involving a trust and third persons. Such  
9 34 jurisdiction may be invoked by any interested party at any  
9 35 time.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

10 1 2. Unless a trust is under continuous court supervision  
10 2 pursuant to section 633.10, subsection 4, the trust shall not  
10 3 be subject to the jurisdiction of the probate court and the  
10 4 court shall not issue letters of appointment.

10 5 Sec. 11. Section 633A.6301, subsection 4, Code 2009, is  
10 6 amended by striking the subsection and inserting in lieu  
10 7 thereof the following:

10 8 4. Section 633A.6301, subsection 4, Code 2009, applies to  
10 9 written consents executed prior to July 1, 2010.

10 10 Sec. 12. Section 633C.2, Code 2009, is amended to read as  
10 11 follows:

10 12 633C.2 Disposition of medical assistance special needs  
10 13 trusts.

10 14 Regardless of the terms of a medical assistance special  
10 15 needs trust, any income received or asset added to the trust  
10 16 during a one-month period shall be expended as provided for  
10 17 medical assistance income trusts under section 633C.3, on  
10 18 a monthly basis, during the life of the beneficiary. Any  
10 19 increase in income or principal retained in the trust from  
10 20 a previous month may be expended, during the life of the  
10 21 beneficiary, only for reasonable and necessary expenses of the  
10 22 trust, not to exceed ~~ten~~ fifty dollars per month without court  
10 23 approval, for special needs of the beneficiary attributable  
10 24 to the beneficiary's disability and approved by the district  
10 25 court, for medical care or services that would otherwise  
10 26 be covered by medical assistance under chapter 249A, or to  
10 27 reimburse the state for medical assistance paid on behalf of  
10 28 the beneficiary.

10 29 Sec. 13. Section 633C.3, subsection 1, paragraph a, Code  
10 30 2009, is amended to read as follows:

10 31 a. A reasonable amount may be paid or set aside each  
10 32 month for necessary expenses of the trust, not to exceed  
10 33 ~~ten~~ fifty dollars per month without court approval.

10 34 Sec. 14. Section 633C.3, subsection 2, paragraph a, Code  
10 35 2009, is amended to read as follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

11 1 a. A reasonable amount may be paid or set aside each  
11 2 month for necessary expenses of the trust, not to exceed  
11 3 ~~ten~~ fifty dollars per month without court approval.  
11 4 Sec. 15. Section 633C.3, subsection 3, Code 2009, is amended  
11 5 by adding the following new paragraph:  
11 6 NEW PARAGRAPH. Oa. For a beneficiary who meets the  
11 7 requirements for nursing facility services and who resides in a  
11 8 nursing facility that provides such services, the applicable  
11 9 rate is the actual cost of a private pay resident of the  
11 10 nursing facility where the beneficiary resides.

11 11 EXPLANATION

11 12 This bill relates to trusts and estates including provisions  
11 13 relating to state inheritance tax, uniform transfers to minors,  
11 14 and medical assistance claims.

11 15 STATE INHERITANCE TAX EXEMPTION. The bill amends Code  
11 16 section 450.4 to specify that a decedent's interest in  
11 17 an employer-sponsored retirement plan or on a decedent's  
11 18 individual retirement account that will be subject to federal  
11 19 income tax when paid to the beneficiary is not subject to state  
11 20 inheritance tax.

11 21 TRANSFERS OF PROPERTY TO MINORS. The bill raises the limit  
11 22 for transfers of property to minors by fiduciaries without  
11 23 court approval under Iowa's uniform transfers to minors Act  
11 24 from \$10,000 to \$25,000.

11 25 QUALIFICATIONS OF A RESIDENT FIDUCIARY. The bill exempts  
11 26 a person who is incompetent from serving as a fiduciary under  
11 27 the Iowa probate Code, in addition to any other person whom  
11 28 the court determines to be unsuitable. Current law exempts a  
11 29 person who is "under legal incompetency" or who is a chronic  
11 30 alcoholic or a spendthrift from serving in such a capacity.

11 31 MEDICAL ASSISTANCE CLAIMS. The bill requires either the  
11 32 administrator of an intestate estate or the executor of a  
11 33 testate estate to electronically transmit a notice regarding  
11 34 the opening of the estate and of the appointment of the  
11 35 administrator or a notice of admission of the will to probate



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2483 - Introduced continued

12 1 and of the appointment of the executor to the entity designated  
12 2 by the department of human services for purposes of medical  
12 3 assistance claims under Code section 249A.5. The bill also  
12 4 requires the department of human services to provide an  
12 5 electronic notice relating to whether the department will make  
12 6 a medical assistance claim against the decedent's estate within  
12 7 the requisite time period. The bill makes a conforming change  
12 8 to Code section 633.410 relating to the recovery of medical  
12 9 assistance payments by the department.

12 10 DISTRIBUTION OF PROPERTY BY AFFIDAVIT. The bill allows the  
12 11 distribution of property by affidavit when the gross value  
12 12 of the decedent's personal property that would otherwise be  
12 13 distributed by will or intestate succession does not exceed  
12 14 \$25,000.

12 15 DUTY TO INFORM AND ACCOUNT. The bill provides that the  
12 16 remedies for a trustee's alleged failure to inform and account  
12 17 are not available for trusts created prior to July 1, 2002.

12 18 TRUSTS == CERTIFICATIONS. The bill provides that, for  
12 19 purposes of transferring property to or from a trust a transfer  
12 20 agent may request a certification of the existence of the trust  
12 21 and the identity of the trustee. The bill further provides  
12 22 that if a trustee has provided a certification of trust and  
12 23 a person refuses to pay, deliver, or transfer any property  
12 24 owed to or owned by the trust within a reasonable time, the  
12 25 trustee may bring an action and the court may award the trustee  
12 26 damages, costs of the action, a civil penalty, and reasonable  
12 27 attorney fees.

12 28 TRUSTS == SUBJECT MATTER JURISDICTION. The bill provides  
12 29 that letters of appointment are not required for trusts not  
12 30 under continuous court supervision under Code section 633.10,  
12 31 subsection 4 (jurisdiction of the district court sitting in  
12 32 probate relating to trusts and trustees).

12 33 TRUSTS == REPRESENTATION. The bill makes a provision that  
12 34 provides that the consent of a person who may represent and  
12 35 bind another person under the trust code is binding on the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2483 - Introduced continued

13 1 person represented unless the person represented objects to the  
13 2 representation before the consent would otherwise have become  
13 3 effective applicable only to written consents executed prior to  
13 4 July 1, 2010.

13 5 DISPOSITION OF MEDICAL ASSISTANCE SPECIAL NEEDS TRUSTS AND  
13 6 MEDICAL ASSISTANCE TRUSTS. The bill increases the reasonable  
13 7 amount that may be paid or set aside each month for necessary  
13 8 expenses of a medical assistance income trust, without court  
13 9 approval, from up to \$10 to up to \$50 for a beneficiary whose  
13 10 total monthly income is less than the average statewide charge  
13 11 for nursing facility services to a private-pay resident of a  
13 12 nursing facility.

13 13 The bill increases the reasonable amount that may be paid  
13 14 or set aside each month for necessary expenses of a medical  
13 15 assistance income trust, without court approval, from up to \$10  
13 16 to up to \$50 for a beneficiary whose total monthly income is  
13 17 at or above the average statewide charge for nursing facility  
13 18 services to a private-pay resident.

13 19 The bill provides that, in lieu of the statewide average  
13 20 charge for nursing facility services, the applicable rate for  
13 21 a beneficiary who meets the medical assistance level of care  
13 22 requirements for nursing facility services and who resides in  
13 23 a nursing facility that provides such services is the actual  
13 24 cost of a private-pay resident at the nursing facility where  
13 25 a beneficiary resides.

LSB 5186HV (2) 83

rh/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2484 - Introduced**

HOUSE FILE  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HF 2293)

**A BILL FOR**

1 An Act exempting certain boat harbors from certain dock  
2 requirements and including effective date and retroactive  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5824HV (3) 83  
av/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2484 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 462A.27A Dock requirements ==  
1 2 exemptions.  
1 3 1. Applicants for a class I, II, and III permits for docks  
1 4 in a boat harbor located on the Cedar river in a city with  
1 5 a population of more than one hundred twenty-five thousand  
1 6 located in a county with a population of more than two hundred  
1 7 thousand that meet other standard dock requirements but use  
1 8 containers not originally manufactured as flotation devices,  
1 9 shall be issued a permit and authorized by the department  
1 10 to continue to use such containers as flotation devices if  
1 11 the containers were in use on or before February 15, 2010.  
1 12 At the time that such flotation devices are replaced, the  
1 13 replacement flotation devices shall comply with the rules of  
1 14 the department.  
1 15 2. Applicants for a class I, II, or III dock permit in  
1 16 a boat harbor located on the Cedar river in a city with a  
1 17 population of more than one hundred twenty-five thousand  
1 18 located in a county with a population of more than two hundred  
1 19 thousand as of February 15, 2010, who are issued a permit  
1 20 pursuant to subsection 1 shall be authorized by the department  
1 21 to transfer the permit to a child of the current permit holder  
1 22 and the child of a current permit holder may renew the permit  
1 23 for additional terms so long as all requirements to hold a dock  
1 24 permit are met. A child of a current permit holder to whom the  
1 25 permit is transferred shall be subject to the provisions of  
1 26 subsection 1.  
1 27 3. If a holder of a class I, II, or III permit for a dock  
1 28 in a boat harbor located on the Cedar river in a city with  
1 29 a population of more than one hundred twenty-five thousand  
1 30 located in a county with a population of more than two hundred  
1 31 thousand does not renew the permit or transfer the permit to  
1 32 the holder's child as provided in subsection 2, the department  
1 33 shall make the permit available to members of the general  
1 34 public in compliance with rules of the department. However, a  
1 35 member of the general public who purchases a permit pursuant to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2484 - Introduced continued

2 1 this subsection shall meet all requirements of the department  
2 2 to hold a dock permit and is not subject to the provisions of  
2 3 subsection 1.

2 4 4. This section is retroactively applicable to persons who  
2 5 have submitted an application for a dock permit as of February  
2 6 15, 2010.

2 7 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
2 8 APPLICABILITY. This Act, being deemed of immediate importance,  
2 9 takes effect upon enactment and applies retroactively to  
2 10 February 15, 2010.

2 11 EXPLANATION

2 12 This bill allows applicants for class I, II, and III  
2 13 permits for docks in a boat harbor located on the Cedar river  
2 14 in a city with a population of more than 125,000 located in a  
2 15 county with a population of more than 200,000 who are issued a  
2 16 dock permit and meet other standard dock requirements but use  
2 17 containers not originally manufactured as flotation devices to  
2 18 continue to use such containers if the containers were in use  
2 19 on or before February 15, 2010. If such flotation devices are  
2 20 replaced, the replacement devices must comply with standard  
2 21 dock requirements.

2 22 The bill also allows applicants for class I, II, and III dock  
2 23 permits in a boat harbor located on the Cedar river in a city  
2 24 with a population of more than 125,000 located in a county with  
2 25 a population of more than 200,000 as of February 15, 2010, who  
2 26 are issued a dock permit, to transfer their dock permits to  
2 27 their children and allows those children to renew the permits  
2 28 for additional terms so long as requirements to hold a dock  
2 29 permit are met. A child of a current permit holder to whom a  
2 30 permit is transferred shall be subject to the provisions of  
2 31 subsection 1.

2 32 The bill also provides that if the holder of a dock permit  
2 33 does not renew the permit or transfer the permit to the  
2 34 holder's child, the department of natural resources shall  
2 35 make the permit available to members of the general public in



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2484 - Introduced continued

3 1 compliance with department rules. However, a member of the  
3 2 general public who purchases such a permit is not subject to  
3 3 the exemption from dock requirements contained in subsection  
3 4 1 of the bill.  
3 5 The bill is effective upon enactment and is retroactively  
3 6 applicable to February 15, 2010.  
LSB 5824HV (3) 83  
av/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2485 - Introduced**

HOUSE FILE  
BY COMMITTEE ON LABOR

(SUCCESSOR TO HSB 726)

**A BILL FOR**

- 1 An Act relating to public employee collective bargaining.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6241HV (4) 83  
ec/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.1, subsection 2, paragraph e, Code  
1 2 2009, is amended to read as follows:

1 3 e. Providing mediators, ~~fact finders~~, and arbitrators to  
1 4 resolve impasses in negotiations.

1 5 Sec. 2. Section 20.1, subsection 2, paragraph g, Code 2009,  
1 6 is amended to read as follows:

1 7 g. ~~Assisting the attorney general in the preparation~~  
~~1 8 of~~ Preparing legal briefs and ~~the presentation of~~ presenting  
1 9 oral arguments in the district court, the court of appeals, and  
1 10 the supreme court in cases affecting the board.

1 11 Sec. 3. Section 20.3, subsection 4, Code 2009, is amended  
1 12 to read as follows:

1 13 4. "Employee organization" means an organization of any  
1 14 kind in which public employees participate and which exists for  
1 15 the primary purpose of representing ~~public~~ employees in their  
1 16 employment relations.

1 17 Sec. 4. Section 20.3, subsection 5, Code 2009, is amended by  
1 18 striking the subsection.

1 19 Sec. 5. Section 20.5, subsection 3, Code 2009, is amended  
1 20 to read as follows:

1 21 3. The chairperson and the remaining two members shall be  
1 22 compensated as provided in section 7E.6, subsection 5. Members  
1 23 of the board and ~~other~~ employees of the board shall be allowed  
1 24 their actual and necessary expenses incurred in the performance  
1 25 of their duties. All expenses and salaries shall be paid from  
1 26 appropriations for such purposes and the board shall be subject  
1 27 to the budget requirements of chapter 8.

1 28 Sec. 6. Section 20.6, subsection 1, Code 2009, is amended  
1 29 to read as follows:

1 30 1. ~~Administer~~ Interpret, apply, and administer the  
1 31 provisions of this chapter.

1 32 Sec. 7. Section 20.10, subsection 1, Code 2009, is amended  
1 33 to read as follows:

1 34 1. It shall be a prohibited practice for any public  
1 35 employer, public employee or employee organization to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

2 1 ~~willfully~~ refuse to negotiate in good faith with respect to the  
2 2 scope of negotiations as defined in section 20.9.

2 3 Sec. 8. Section 20.10, subsection 2, unnumbered paragraph  
2 4 1, Code 2009, is amended to read as follows:

2 5 It shall be a prohibited practice for a public employer or  
2 6 the employer's designated representative ~~willfully~~ to:

2 7 Sec. 9. Section 20.10, subsection 2, paragraph f, Code 2009,  
2 8 is amended to read as follows:

2 9 f. Deny the rights accompanying certification ~~or exclusive~~  
~~2 10 recognition~~ granted in this chapter.

2 11 Sec. 10. Section 20.10, subsection 3, unnumbered paragraph  
2 12 1, Code 2009, is amended to read as follows:

2 13 It shall be a prohibited practice for public employees or an  
2 14 employee organization or for any person, union or organization  
2 15 or their agents ~~willfully~~ to:

2 16 Sec. 11. Section 20.10, subsection 3, paragraph b, Code  
2 17 2009, is amended to read as follows:

2 18 b. Interfere, restrain, or coerce a public employer with  
2 19 respect to rights granted in this chapter or with respect to  
2 20 selecting a representative for the purposes of negotiating  
2 21 collectively ~~on~~ or the adjustment of grievances.

2 22 Sec. 12. Section 20.10, subsection 3, paragraph f, Code  
2 23 2009, is amended to read as follows:

2 24 f. Violate the provisions of sections 732.1 to 732.3,  
2 25 which are hereby made applicable to public employers, public  
2 26 employees, and ~~public~~ employee organizations.

2 27 Sec. 13. Section 20.10, subsection 4, Code 2009, is amended  
2 28 to read as follows:

2 29 4. The expressing of any views, argument or opinion, or  
2 30 the dissemination thereof, whether orally or in written,  
2 31 printed, graphic, or visual form, shall not constitute or be  
2 32 evidence of any ~~unfair labor~~ prohibited practice under any of  
2 33 the provisions of this chapter, if such expression contains no  
2 34 threat of reprisal or force or promise of benefit.

2 35 Sec. 14. Section 20.11, subsections 1, 2, and 3, Code 2009,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

3 1 are amended to read as follows:

3 2 1. Proceedings against a party alleging a violation of  
3 3 section 20.10~~7~~ shall be commenced by filing a complaint with  
3 4 the board within ninety days of the alleged violation, causing  
3 5 a copy of the complaint to be served upon the accused party ~~in~~  
~~3 6 the manner of an original notice as provided in this chapter.~~  
3 7 The accused party shall have ten days within which to file  
3 8 a written answer to the complaint. However, the board may  
3 9 conduct a preliminary investigation of the alleged violation,  
3 10 and if the board determines that the complaint has no basis in  
3 11 fact, the board may dismiss the complaint. The board shall  
3 12 promptly thereafter set a time and place for hearing in the  
3 13 county where the alleged violation occurred, provided, however,  
3 14 that the presiding officer may conduct the hearing through the  
3 15 use of technology from a remote location. The parties shall  
3 16 be permitted to be represented by counsel, summon witnesses,  
3 17 and request the board to subpoena witnesses on the requester's  
3 18 behalf. Compliance with the technical rules of pleading and  
3 19 evidence shall not be required.

3 20 2. The board may designate one of its members, an  
3 21 administrative law judge, or any other qualified person  
3 22 employed by the board to ~~conduct~~ serve as the presiding  
3 23 officer at the hearing. ~~The administrative law judge presiding~~  
3 24 ~~officer~~ has the powers as may be exercised by the board for  
3 25 conducting the hearing and shall follow the procedures adopted  
3 26 by the board for conducting the hearing. The proposed decision  
3 27 of the ~~administrative law judge presiding officer~~ may be  
3 28 appealed to the board and the board may hear the case de novo  
~~3 29 or upon the record as submitted before the administrative law~~  
~~3 30 judge, utilizing procedures governing appeals to the district~~  
~~3 31 court in this section so far as applicable, or reviewed on~~  
3 32 motion of the board, in accordance with the provisions of  
3 33 chapter 17A.

3 34 3. The board shall appoint a certified shorthand reporter to  
3 35 report the proceedings and the board shall fix the reasonable



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

4 1 amount of compensation for such service, and for any transcript  
4 2 requested by the board, which ~~amount~~ amounts shall be taxed as  
4 3 other costs.

4 4 Sec. 15. Section 20.13, subsections 2 and 3, Code 2009, are  
4 5 amended to read as follows:

4 6 2. Within thirty days of receipt of a petition ~~or notice~~  
4 7 ~~to all interested parties if on its own initiative~~, the  
4 8 board shall conduct a public hearing, receive written or oral  
4 9 testimony, and promptly thereafter file an order defining  
4 10 the appropriate bargaining unit. In defining the unit,  
4 11 the board shall take into consideration, along with other  
4 12 relevant factors, the principles of efficient administration  
4 13 of government, the existence of a community of interest among  
4 14 public employees, the history and extent of public employee  
4 15 organization, geographical location, and the recommendations  
4 16 of the parties involved.

4 17 3. Appeals from such order shall be governed by ~~appeal~~  
4 18 ~~provisions provided in section 20.11~~ the provisions of chapter  
4 19 17A.

4 20 Sec. 16. Section 20.14, subsection 2, paragraph a, Code  
4 21 2009, is amended to read as follows:

4 22 a. The employee organization has submitted a request to a  
4 23 public employer to bargain collectively ~~with~~ on behalf of a  
4 24 designated group of public employees.

4 25 Sec. 17. Section 20.14, subsection 6, Code 2009, is amended  
4 26 by striking the subsection.

4 27 Sec. 18. Section 20.15, subsections 1, 2, and 6, Code 2009,  
4 28 are amended to read as follows:

4 29 1. Upon the filing of a petition for certification  
4 30 of an employee organization, the board shall submit a  
4 31 question to the public employees at an election in ~~an~~  
4 32 ~~appropriate~~ the bargaining unit found appropriate by the board.  
4 33 The question on the ballot shall permit the public employees  
4 34 to vote for no bargaining representation or for any employee  
4 35 organization which has petitioned for certification or which



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

5 1 has presented proof satisfactory to the board of support of  
5 2 ten percent or more of the public employees in the appropriate  
5 3 unit.

5 4 2. If a majority of the votes cast on the question is  
5 5 for no bargaining representation, the public employees in  
5 6 the bargaining unit found appropriate by the board shall not  
5 7 be represented by an employee organization. If a majority  
5 8 of the votes cast on the question is for a listed employee  
5 9 organization, then ~~the~~ that employee organization shall  
5 10 represent the public employees ~~in an appropriate~~ the bargaining  
5 11 unit found appropriate by the board.

5 12 6. a. A petition for certification as ~~an~~ exclusive  
5 13 bargaining representative of a bargaining unit shall not be  
5 14 considered by the board for a period of one year from the  
5 15 date of the ~~certification or~~ noncertification of an employee  
5 16 organization as the exclusive bargaining representative ~~or~~ of  
5 17 that bargaining unit following a certification election.  
5 18 A petition for certification as the exclusive bargaining  
5 19 representative of a bargaining unit shall also not be  
5 20 considered by the board if the bargaining unit is at that time  
5 21 represented by a certified exclusive bargaining representative.

5 22 b. A petition for the decertification of the exclusive  
5 23 bargaining representative of a bargaining unit shall not be  
5 24 considered by the board for a period of one year from the date  
5 25 of its certification, or within one year of its continued  
5 26 certification following a decertification election, or during  
5 27 the duration of a collective bargaining agreement which, for  
5 28 purposes of this section, shall be deemed not to exceed two  
5 29 years. However, if a petition for decertification is filed  
5 30 during the duration of a collective bargaining agreement, the  
5 31 board shall award an election under this section not more than  
5 32 one hundred eighty days and not less than one hundred fifty  
5 33 days prior to the expiration of the collective bargaining  
5 34 agreement. If an employee organization is decertified, the  
5 35 board may receive petitions under section 20.14, provided that



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

6 1 no such petition and no election conducted pursuant to such  
6 2 petition within one year from decertification shall include as  
6 3 a party the decertified employee organization.  
6 4 c. A collective bargaining agreement with the state, its  
6 5 boards, commissions, departments, and agencies shall be for two  
6 6 years and the provisions of a collective bargaining agreement  
6 7 ~~except agreements agreed to or tentatively agreed to prior to~~  
6 8 ~~July 1, 1977, or arbitrators' or arbitrator's award affecting~~  
6 9 state employees shall not provide for renegotiations which  
6 10 would require the refinancing of salary and fringe benefits  
6 11 for the second year of the term of the agreement, except as  
6 12 provided in section 20.17, subsection 6, and the effective date  
6 13 of any such agreement shall be July 1 of odd-numbered years,  
6 14 provided that if an exclusive bargaining representative is  
6 15 certified on a date which will prevent the negotiation of a  
6 16 collective bargaining agreement prior to July 1 of odd-numbered  
6 17 years for a period of two years, the certified collective  
6 18 bargaining representative may negotiate a one-year contract  
6 19 with a the public employer which shall be effective from  
6 20 July 1 of the even-numbered year to July 1 of the succeeding  
6 21 odd-numbered year when new contracts shall become effective.  
6 22 ~~However, if a petition for decertification is filed during~~  
6 23 ~~the duration of a collective bargaining agreement, the board~~  
6 24 ~~shall award an election under this section not more than one~~  
6 25 ~~hundred eighty days nor less than one hundred fifty days prior~~  
6 26 ~~to the expiration of the collective bargaining agreement. If~~  
6 27 ~~an employee organization is decertified, the board may receive~~  
6 28 ~~petitions under section 20.14, provided that no such petition~~  
6 29 ~~and no election conducted pursuant to such petition within~~  
6 30 ~~one year from decertification shall include as a party the~~  
6 31 ~~decertified employee organization.~~  
6 32 Sec. 19. Section 20.17, subsection 3, Code 2009, is amended  
6 33 to read as follows:  
6 34 3. Negotiating sessions, strategy meetings of public  
6 35 employers ~~or employee organizations~~, mediation, and the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

7 1 deliberative process of arbitrators shall be exempt from the  
7 2 provisions of chapter 21. However, the employee organization  
7 3 shall present its initial bargaining position to the public  
7 4 employer at the first bargaining session. The public employer  
7 5 shall present its initial bargaining position to the employee  
7 6 organization at the second bargaining session, which shall be  
7 7 held no later than two weeks following the first bargaining  
7 8 session. Both sessions shall be open to the public and subject  
7 9 to the provisions of chapter 21. Parties who by agreement  
7 10 are utilizing a cooperative alternative bargaining process  
7 11 may exchange their respective initial interest statements  
7 12 in lieu of initial bargaining positions at these open  
7 13 sessions. Hearings conducted by arbitrators shall be open to  
7 14 the public.

7 15 Sec. 20. Section 20.17, subsection 6, Code 2009, is amended  
7 16 to read as follows:

7 17 6. ~~No~~ A collective bargaining agreement or ~~arbitrators'~~  
7 18 ~~decision~~ arbitrator's award shall not be valid or enforceable  
7 19 if its implementation would be inconsistent with any statutory  
7 20 limitation on the public employer's funds, spending or budget  
7 21 or would substantially impair or limit the performance of any  
7 22 statutory duty by the public employer. A collective bargaining  
7 23 agreement or ~~arbitrators'~~ arbitrator's award may provide for  
7 24 benefits conditional upon specified funds to be obtained by  
7 25 the public employer, but the agreement shall provide either  
7 26 for automatic reduction of such conditional benefits or for  
7 27 additional bargaining if the funds are not obtained or if a  
7 28 lesser amount is obtained.

7 29 Sec. 21. Section 20.17, subsection 10, Code 2009, is amended  
7 30 to read as follows:

7 31 10. The negotiation of a proposed collective bargaining  
7 32 agreement by representatives of a state public employer and  
7 33 a state employee organization shall be complete not later  
7 34 than March 15 of the year when the agreement is to become  
7 35 effective. The board shall provide, by rule, a date on which



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

8 1 any impasse item must be submitted to binding arbitration and  
8 2 for such other procedures as deemed necessary to provide for  
8 3 the completion of negotiations of proposed state collective  
8 4 bargaining agreements not later than March 15. The date  
8 5 selected for the mandatory submission of impasse items to  
8 6 binding arbitration shall be sufficiently in advance of March  
8 7 15 to ~~insure~~ ensure that the ~~arbitrators' decision~~ arbitrator's  
8 8 award can be reasonably made before March 15.

8 9 Sec. 22. Section 20.17, subsection 11, Code 2009, is amended  
8 10 to read as follows:

8 11 11. a. In the absence of an impasse agreement negotiated  
8 12 pursuant to section 20.19 which provides for a different  
8 13 completion date, public employees represented by a certified  
8 14 employee organization who are teachers licensed under chapter  
8 15 272 and who are employed by a public employer which is a  
8 16 school district or area education agency shall complete the  
8 17 negotiation of a proposed collective bargaining agreement  
8 18 not later than May 31 of the year when the agreement is to  
8 19 become effective. The board shall provide, by rule, a date  
8 20 on which impasse items in such cases must be submitted to  
8 21 binding arbitration and for such other procedures as deemed  
8 22 necessary to provide for the completion of negotiations of  
8 23 proposed collective bargaining agreements not later than  
8 24 May 31. The date selected for the mandatory submission of  
8 25 impasse items to binding arbitration in such cases shall  
8 26 be sufficiently in advance of May 31 to ensure that the  
8 27 ~~arbitrators' decision~~ arbitrator's award can be reasonably made  
8 28 ~~before~~ by May 31.

~~8 29 b. If the public employer is a community college, the  
8 30 following apply:~~

~~8 31 (1) b. The negotiation of a proposed collective bargaining  
8 32 agreement shall be complete not later than May 31 of the  
8 33 year when the agreement is to become effective, absent the  
8 34 existence In the absence of an impasse agreement negotiated  
8 35 pursuant to section 20.19 which provides for a different~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

9 1 completion date, public employees represented by a certified  
9 2 employee organization who are employed by a public employer  
9 3 which is a community college shall complete the negotiation  
9 4 of a proposed collective bargaining agreement not later than  
9 5 May 31 of the year when the agreement is to become effective.  
9 6 The board shall ~~adopt rules providing for~~ provide, by rule, a  
9 7 date on which impasse items in such cases must be submitted to  
9 8 binding arbitration and for such other procedures as deemed  
9 9 necessary to provide for the completion of negotiations of  
9 10 proposed collective bargaining agreements not later than  
9 11 May 31. The date selected for the mandatory submission of  
9 12 impasse items to binding arbitration in such cases shall  
9 13 be sufficiently in advance of May 31 to ensure that the  
9 14 ~~arbitrators' decision~~ arbitrator's award can be reasonably made  
9 15 by May 31.  
9 16 ~~(2)~~ c. Notwithstanding the provisions of ~~subparagraph~~  
9 17 ~~(1)~~ paragraphs "a" and "b", the May 31 deadline may be waived by  
9 18 mutual agreement of the parties to the collective bargaining  
9 19 agreement negotiations.  
9 20 Sec. 23. Section 20.18, unnumbered paragraph 1, Code 2009,  
9 21 is amended to read as follows:  
9 22 An agreement with an employee organization which is  
9 23 the exclusive representative of public employees in an  
9 24 appropriate unit may provide procedures for the consideration  
9 25 of public employee and employee organization grievances ~~and of~~  
9 26 ~~disputes~~ over the interpretation and application of agreements.  
9 27 Negotiated procedures may provide for binding arbitration of  
9 28 public employee and employee organization grievances ~~and of~~  
9 29 ~~disputes~~ over the interpretation and application of existing  
9 30 agreements. An arbitrator's decision on a grievance may not  
9 31 change or amend the terms, conditions, or applications of the  
9 32 collective bargaining agreement. Such procedures shall provide  
9 33 for the invoking of arbitration only with the approval of the  
9 34 employee organization in all instances, and in the case of an  
9 35 employee grievance, only with the additional approval of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

10 1 public employee. The costs of arbitration shall be shared  
10 2 equally by the parties.

10 3 Sec. 24. Section 20.22, subsections 1, 2, and 3, Code 2009,  
10 4 are amended to read as follows:

10 5 1. If an impasse persists ~~after the findings of fact and~~  
~~10 6 recommendations are made public by the fact-finder, the parties~~  
~~10 7 may continue to negotiate or ten days after the mediator has~~  
10 8 been appointed, the board shall have the power, upon request  
10 9 of either party, to arrange for arbitration, which shall be  
10 10 binding. The request for arbitration shall be in writing and a  
10 11 copy of the request shall be served upon the other party.

10 12 2. a. Each party shall ~~submit to the board~~ serve its final  
10 13 offer on each of the impasse items upon the other party within  
10 14 four days of the board's receipt of the request a final offer  
~~10 15 on the impasse items with proof of service of a copy upon the~~  
~~10 16 other party for arbitration. Each party shall also submit a~~  
~~10 17 copy of a draft of the proposed collective bargaining agreement~~  
~~10 18 to the extent to which agreement has been reached and the~~  
~~10 19 name of its selected arbitrator. The parties may continue~~  
10 20 to negotiate all offers until an agreement is reached or a  
~~10 21 decision an award is rendered by the panel of arbitrators.~~

10 22 b. As an alternative procedure, the two parties may agree  
~~10 23 to submit the dispute to a single arbitrator. If the parties~~  
~~10 24 cannot agree on the arbitrator within four days, the selection~~  
~~10 25 shall be made pursuant to subsection 5 arbitrator. The full~~  
10 26 costs of arbitration under this ~~provision~~ section shall be  
10 27 shared equally by the parties to the dispute.

10 28 3. The submission of the impasse items to the  
10 29 ~~arbitrators~~ arbitrator shall be limited to those ~~issues that~~  
~~10 30 had been considered by the fact-finder and items~~ upon which  
10 31 the parties have not reached agreement. With respect to  
10 32 each such item, the ~~arbitration board~~ arbitrator's award  
10 33 shall be restricted to the final offers on each impasse  
10 34 item submitted by the parties to the ~~arbitration board or~~  
~~10 35 to the recommendation of the fact-finder on each impasse~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

~~House File 2485 — Introduced continued~~

~~11 1 item arbitrator.~~

11 2 Sec. 25. Section 20.22, subsections 10 through 13, Code  
11 3 2009, are amended to read as follows:

11 4 10. ~~The chairperson of the panel of arbitrators~~ arbitrator  
11 5 ~~may hold hearings and~~ administer oaths, examine witnesses and  
11 6 documents, take testimony and receive evidence, and issue  
11 7 subpoenas to compel the attendance of witnesses and the  
11 8 production of records, ~~and delegate such powers to other~~  
~~11 9 members of the panel of arbitrators.~~ ~~The chairperson~~  
~~11 10 of the panel of arbitrators~~ arbitrator may petition the  
11 11 district court at the seat of government or of the county in  
11 12 which ~~any~~ the hearing is held to enforce the order of the  
11 13 ~~chairperson~~ arbitrator compelling the attendance of witnesses  
11 14 and the production of records.

11 15 11. ~~A majority of the panel of arbitrators~~ The  
11 16 arbitrator shall select within fifteen days after ~~its first~~  
~~11 17 meeting the hearing~~ the most reasonable offer, in ~~it's the~~  
11 18 arbitrator's judgment, of the final offers on each impasse  
11 19 item submitted by the parties, ~~or the recommendations of the~~  
~~11 20 fact-finder on each impasse item.~~

11 21 12. The selections by the ~~panel of arbitrators~~ arbitrator  
11 22 and items agreed upon by the public employer and the employee  
11 23 organization, shall be deemed to be the collective bargaining  
11 24 agreement between the parties.

11 25 13. The determination of the ~~panel of arbitrators~~ shall  
~~11 26 be by majority vote and~~ arbitrator shall be final and binding  
11 27 subject to the provisions of section 20.17, subsection 6. The  
11 28 ~~panel of arbitrators~~ arbitrator shall give written explanation  
11 29 for ~~its selection~~ the arbitrator's selections and inform the  
11 30 parties of ~~its~~ the decision.

11 31 Sec. 26. Section 20.22, subsection 4, Code 2009, is amended  
11 32 by striking the subsection and inserting in lieu thereof the  
11 33 following:

11 34 4. Upon the filing of the request for arbitration, a list  
11 35 of five arbitrators shall be served upon the parties by the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

12 1 board. Within five days of service of the list, the parties  
12 2 shall determine by lot which party shall remove the first name  
12 3 from the list and the parties shall then alternately remove  
12 4 names from the list until the name of one person remains, who  
12 5 shall become the arbitrator. The parties shall immediately  
12 6 notify the board of their selection and the board shall  
12 7 notify the arbitrator. After consultation with the parties,  
12 8 the arbitrator shall set a time and place for an arbitration  
12 9 hearing.

12 10 Sec. 27. Section 20.22, subsections 5 and 6, Code 2009, are  
12 11 amended by striking the subsections.

12 12 Sec. 28. Section 20.22, subsections 7 and 8, Code 2009, are  
12 13 amended to read as follows:

12 14 7. The ~~panel of arbitrators~~ arbitrator shall at no time  
12 15 engage in an effort to mediate or otherwise settle the dispute  
12 16 in any manner other than that prescribed in this section.

12 17 8. From the time ~~of appointment~~ the board notifies  
12 18 the arbitrator of the selection of the arbitrator until  
12 19 such time as the ~~panel of arbitrators makes its final~~  
~~12 20 determination~~ arbitrator's selection on each impasse item is  
12 21 made, there shall be no discussion concerning recommendations  
12 22 for settlement of the dispute by the ~~members of the panel of~~  
~~12 23 arbitrators~~ arbitrator with parties other than those who are  
12 24 direct parties to the dispute. ~~The panel of arbitrators may~~  
~~12 25 conduct formal or informal hearings to discuss offers submitted~~  
~~12 26 by both parties.~~

12 27 Sec. 29. Section 20.22, subsection 9, unnumbered paragraph  
12 28 1, Code 2009, is amended to read as follows:

12 29 The ~~panel of arbitrators~~ arbitrator shall consider, in  
12 30 addition to any other relevant factors, the following factors:

12 31 Sec. 30. Section 20.24, Code 2009, is amended to read as  
12 32 follows:

12 33 20.24 Notice and service.

12 34 Any notice required under the provisions of this chapter  
12 35 shall be in writing, but service thereof shall be sufficient



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

13 1 if mailed by restricted certified mail, return receipt  
13 2 requested, addressed to the last known address of the  
13 3 ~~parties~~ intended recipient, unless otherwise provided in this  
13 4 chapter. Refusal of restricted certified mail by any party  
13 5 shall be considered service. ~~Prescribed~~ Unless otherwise  
13 6 provided in this chapter, prescribed time periods shall  
13 7 commence from the date of the receipt of the notice. Any party  
13 8 may at any time execute and deliver an acceptance of service in  
13 9 lieu of mailed notice.

13 10 Sec. 31. REPEAL. Section 20.21, Code 2009, is repealed.

13 11 EXPLANATION

13 12 This bill concerns public employee collective bargaining  
13 13 generally.

13 14 Code section 20.1, subsection 2, is amended to provide that  
13 15 one of the powers and duties of the public employment relations  
13 16 board (PERB) is to represent the board in court.

13 17 Code section 20.6 is amended to provide that PERB shall  
13 18 interpret, apply, and administer the provisions of Code chapter  
13 19 20.

13 20 Code section 20.10, subsections 1, 2, and 3, are amended  
13 21 to eliminate the requirement that an act giving rise to a  
13 22 prohibited practice under this Code section must be willful to  
13 23 constitute a violation.

13 24 Code section 20.10, subsection 4, is amended to specifically  
13 25 provide that oral expression of views without threat of  
13 26 reprisal or force shall not constitute or be evidence of a  
13 27 prohibited practice.

13 28 Code section 20.11 is amended to allow a presiding officer  
13 29 in a prohibited practice hearing to hear the case through the  
13 30 use of technology from a location other than the county where  
13 31 the alleged violation occurred. The bill also allows PERB to  
13 32 designate one of its members or any other qualified person to  
13 33 preside at a prohibited practice hearing.

13 34 The bill amends Code sections 20.11, 20.13, and 20.14  
13 35 to provide that Code chapter 17A, the Iowa administrative



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2485 - Introduced continued

14 1 procedure Act, governs hearing and appeal proceedings described  
14 2 in those Code sections.  
14 3 Code section 20.15, concerning certification elections for  
14 4 exclusive bargaining representation, is amended. The bill  
14 5 provides that a petition for certification of an exclusive  
14 6 bargaining representative for a bargaining unit cannot  
14 7 occur if that bargaining unit is currently represented by an  
14 8 exclusive bargaining representative. The bill also provides  
14 9 that a petition for decertification of a certified exclusive  
14 10 bargaining representative cannot occur for a period of one year  
14 11 from the date of certification or the date of its continuing  
14 12 certification or during the duration of a collective bargaining  
14 13 agreement.  
14 14 Code section 20.17, subsection 3, concerning bargaining  
14 15 procedures, is amended to provide that parties utilizing a  
14 16 cooperative alternative bargaining process may exchange their  
14 17 initial interest statements in lieu of an initial bargaining  
14 18 position during bargaining.  
14 19 Code section 20.17, subsection 11, concerning the deadlines  
14 20 for community college employee bargaining, is amended to  
14 21 match the provisions of the subsection applicable to other  
14 22 educational bargaining units.  
14 23 Code section 20.18, concerning grievance procedures,  
14 24 is amended to provide that an agreement with an employee  
14 25 organization may include procedures for the consideration  
14 26 of employee organization grievances in addition to public  
14 27 employee grievances. The section is also amended to provide  
14 28 that arbitration shall be invoked only with the approval of  
14 29 the employee organization in all instances and, for employee  
14 30 grievances, the additional approval of the employee.  
14 31 Code section 20.21, concerning fact=finding procedures,  
14 32 is repealed to eliminate fact=finding from public employee  
14 33 collective bargaining. Corresponding amendments are made  
14 34 throughout Code chapter 20.  
14 35 Code section 20.22, concerning binding arbitration, is



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2485 - Introduced continued

15 1 amended to provide that arbitration will be conducted by a  
15 2 single arbitrator and not a panel of arbitrators. The bill  
15 3 also provides for the method of selecting the arbitrator. The  
15 4 bill provides that PERB will submit a list of five arbitrators  
15 5 to the parties upon the filing of a request for arbitration  
15 6 and then each party, in an order determined by lot, shall  
15 7 alternatively remove names from the list until one name  
15 8 remains.

LSB 6241HV (4) 83

ec/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2486 - Introduced**

HOUSE FILE  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 523)

**A BILL FOR**

1 An Act relating to the consumer credit code by modifying filing  
2 fees and a penalty for creditors and debt collectors.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5388HV (2) 83  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2486 - Introduced continued

PAG LIN

1 1 Section 1. Section 537.6203, subsections 1 and 4, Code 2009,  
1 2 are amended to read as follows:

1 3 1. a. A person required to file notification who is a  
1 4 creditor shall pay to the administrator an annual fee of  
1 5 ~~ten~~ twenty dollars. The fee shall be paid with the filing of  
1 6 the first notification and on or before January 31 of each  
1 7 succeeding year.

1 8 b. A person required to file notification who is a debt  
1 9 collector shall pay to the administrator an annual fee of one  
1 10 hundred dollars. The fee shall be paid with the filing of  
1 11 the first notification and on or before January 31 of each  
1 12 succeeding year.

1 13 4. In addition to the penalties provided by section  
1 14 537.6113, subsection 3, the administrator may collect a charge,  
1 15 established by rule, not exceeding ~~twenty-five~~ fifty dollars  
1 16 from each person required to pay fees under this section who  
1 17 fails to pay the fees in full within thirty days after they are  
1 18 due.

1 19 EXPLANATION

1 20 This bill increases fees payable by a creditor upon the  
1 21 required annual filing of a notification of conducting business  
1 22 in Iowa from the current level of \$10 to \$20, and establishes  
1 23 an annual filing fee applicable to debt collectors in the  
1 24 amount of \$100. A penalty applicable for failure to timely  
1 25 file the notification is increased from \$25 to \$50.

LSB 5388HV (2) 83  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2487 - Introduced**

HOUSE FILE  
BY COMMITTEE ON REBUILD  
IOWA AND DISASTER  
RECOVERY

(SUCCESSOR TO HSB 707)

**A BILL FOR**

1 An Act relating to the allocation, issuance, reporting,  
2 recapture, and reallocation of recovery zone bonds, and  
3 including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6192HV (3) 83  
md/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2487 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 16.171 Recovery zone bonds ==  
1 2 reporting == reallocation.  
1 3 1. As used in this section:  
1 4 a. "Eligible issuer" means the state or any political  
1 5 subdivision of the state authorized to issue bonds, including  
1 6 any entity authorized to issue bonds on behalf of the state  
1 7 or the political subdivision, the interest from which is  
1 8 excludable from gross income under section 103 of the Internal  
1 9 Revenue Code.  
1 10 b. "Recovery zone bonds" means recovery zone economic  
1 11 development bonds and recovery zone facility bonds allocated  
1 12 under the federal American Recovery and Reinvestment Act of  
1 13 2009, Pub. L. No. 111=5, 123 Stat. 115, codified in section  
1 14 1400U=1 of the Internal Revenue Code.  
1 15 c. "Large municipality" means a city having a population of  
1 16 more than one hundred thousand.  
1 17 2. The authority shall provide written notice to each  
1 18 county and large municipality in the state of the amount of  
1 19 the recovery zone bond allocation designated for each by the  
1 20 internal revenue service of the United States department of the  
1 21 treasury.  
1 22 3. Each county or large municipality that issues recovery  
1 23 zone bonds shall provide a written notice of each such issuance  
1 24 to the authority on a form prescribed by the authority. The  
1 25 authority shall track the amount of the recovery zone bond  
1 26 allocation used by each county and large municipality.  
1 27 4. a. A county or large municipality may, at any time prior  
1 28 to July 1, 2010, waive all or a portion of the county or large  
1 29 municipality's recovery zone bond allocation, as applicable.  
1 30 b. Any portion of a county or large municipality's recovery  
1 31 zone bond allocation that remains unused on July 1, 2010, is  
1 32 deemed waived by the applicable county or large municipality.  
1 33 5. a. The authority shall recapture all waived recoveryzone  
1 34 bond allocations.  
1 35 b. On or after March 1, 2010, any eligible issuer may apply



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2487 - Introduced continued

2 1 to the authority requesting an allocation from the total amount  
2 2 of waived recovery zone bond allocations recaptured by the  
2 3 authority.

2 4 c. On or after April 1, 2010, the authority may reallocate  
2 5 the amount recaptured under this subsection according to rules  
2 6 adopted by the authority.

2 7 6. The authority shall promulgate rules to implement the  
2 8 provisions of this section, including any rules necessary to  
2 9 assure compliance with federal laws relating to the issuance  
2 10 of recovery zone bonds.

2 11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 12 immediate importance, takes effect upon enactment.

2 13 EXPLANATION

2 14 This bill requires the Iowa finance authority to provide  
2 15 written notice to each county and large municipality, as  
2 16 defined in the bill, of the amount of the recovery zone bond  
2 17 allocation designated for each county and large municipality  
2 18 under the federal American Recovery and Reinvestment Act of  
2 19 2009.

2 20 The bill requires each county or large municipality that  
2 21 issues recovery zone bonds to provide a written notice of each  
2 22 such issuance to the Iowa finance authority. The Iowa finance  
2 23 authority is required to track the amount of the recovery zone  
2 24 bond allocation used by each county and large municipality.

2 25 A county or large municipality may, at any time prior to  
2 26 July 1, 2010, waive all or a portion of its recovery zone bond  
2 27 allocation. Any portion of a county or large municipality's  
2 28 recovery zone bond allocation that remains unused on July 1,  
2 29 2010, is deemed waived. The bill requires the Iowa finance  
2 30 authority to recapture those waived portions of the allocations.

2 31 On or after March 1, 2010, any eligible issuer, as defined in  
2 32 the bill, may apply to the Iowa finance authority requesting  
2 33 an allocation from the amount of waived recovery zone bond  
2 34 allocations recaptured by the authority. The bill authorizes  
2 35 the Iowa finance authority to, on or after April 1, 2010,



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2487 - Introduced continued

3 1 reallocate the amount recaptured according to rules adopted by  
3 2 the authority. The bill requires the Iowa finance authority  
3 3 to promulgate rules to implement the provisions of the bill,  
3 4 including any rules necessary to assure compliance with federal  
3 5 laws relating to the issuance of recovery zone bonds.  
3 6 The bill takes effect upon enactment.

LSB 6192HV (3) 83

md/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2488 - Introduced**

HOUSE FILE  
BY COMMITTEE ON ECONOMIC  
GROWTH

(SUCCESSOR TO HSB 665)

**A BILL FOR**

1 An Act relating to the appointment of young adults to  
2 appointive boards, commissions, committees, and councils.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6186HV (3) 83  
ec/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2488 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 69.16D Young adult representation.

1 2 1. For purposes of this section, unless the context  
1 3 otherwise requires, "young adult" means a person who, at the  
1 4 time of appointment or reappointment, is at least eighteen  
1 5 years of age but less than thirty-five years of age.

1 6 2. All appointive boards, commissions, committees, and  
1 7 councils of the state established by the Code should provide,  
1 8 to the extent practicable and if not otherwise provided by law,  
1 9 for at least one member who is a young adult. All appointing  
1 10 authorities of boards, commissions, committees, and councils  
1 11 should consider qualified young adults for appointment to  
1 12 boards, commissions, committees, and councils.

1 13 EXPLANATION

1 14 This bill concerns the appointment of young adults to  
1 15 appointive boards, commissions, committees, and councils of the  
1 16 state that are established by the Code. The bill provides that  
1 17 a young adult is a person who, at the time of appointment, is at  
1 18 least 18 but less than 35 years of age.

1 19 The bill provides that all appointive boards, commissions,  
1 20 committees, and councils established by the Code should provide  
1 21 for young adult representation and provides that appointing  
1 22 authorities should consider at least one qualified young adult  
1 23 for appointment to such boards, commissions, committees, and  
1 24 councils.

LSB 6186HV (3) 83

ec/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2489 - Introduced**

HOUSE FILE  
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2112)

**A BILL FOR**

1 An Act concerning choice of automobile glass replacement or  
2 repair facilities under automobile liability insurance  
3 policies and requiring a study of automobile glass  
4 replacement or repair insurance claims processing  
5 procedures.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5190HV (2) 83

av/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2489 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 516B.4 Automobile glass replacement  
1 2 or repair == prohibited activities.

1 3 1. An insurer transacting business in this state,  
1 4 including its producers and adjusters, that issues or renews  
1 5 an automobile liability policy shall not, individually or with  
1 6 others, directly or indirectly, do any of the following:

1 7 a. Require that an insured under the policy use a particular  
1 8 company or location for providing automobile glass replacement,  
1 9 glass repair services, or glass products insured, in whole or  
1 10 in part, unless specified under the terms of the policy.

1 11 b. Engage in any act or practice of intimidation, coercion,  
1 12 or threat for or against an insured to use a particular company  
1 13 or location to provide automobile glass replacement, glass  
1 14 repair services, or glass products insured, in whole or in  
1 15 part, under the terms of the policy.

1 16 2. This section does not require an insurer to pay more for  
1 17 automobile glass replacement, glass repair services, or glass  
1 18 products than the price that is reasonable within the market  
1 19 of the local area where the replacement or repair is being  
1 20 performed.

1 21 3. This section does not prohibit an insurer from agreeing  
1 22 to pay the full cost of glass replacement or repair, less any  
1 23 deductible under the terms of the policy.

1 24 Sec. 2. AUTOMOBILE GLASS REPLACEMENT OR REPAIR INSURANCE  
1 25 CLAIMS PROCESSING == STUDY. The commissioner of insurance,  
1 26 in conjunction with the attorney general, the Iowa insurance  
1 27 institute, the independent glass association, the Iowa  
1 28 retail federation, insurers, automobile glass third-party  
1 29 administrators, and any other interested parties, shall conduct  
1 30 a review of automobile glass replacement or repair insurance  
1 31 claims processing procedures and shall submit a report  
1 32 summarizing that review to the general assembly by January 15,  
1 33 2011.

1 34 EXPLANATION

1 35 This bill relates to automobile glass repair and replacement



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2489 - Introduced continued

2 1 under automobile liability policies issued or renewed in this  
2 2 state.

2 3 New Code section 516B.4 prohibits an automobile liability  
2 4 insurer from requiring an insured to use a particular company  
2 5 or location for providing automobile glass replacement, glass  
2 6 repair services, or glass products pursuant to the policy  
2 7 unless specified under the terms of the policy. An insurer  
2 8 is not required to pay more than the market price for such  
2 9 services.

2 10 The bill also requires the commissioner of insurance, in  
2 11 conjunction with the attorney general and other specified  
2 12 groups, to conduct a review of automobile glass replacement  
2 13 or repair insurance claims processing procedures in the state  
2 14 and to provide a report summarizing that review to the general  
2 15 assembly by January 15, 2011.

LSB 5190HV (2) 83

av/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2490 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 716)

**A BILL FOR**

1 An Act providing for the regulation of consumer approval  
2 transactions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6198HV (2) 83  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2490 - Introduced continued

PAG LIN

1 1 Section 1. CONSUMER APPROVAL TRANSACTIONS == REGULATION  
1 2 == INTENT. It is the intent of the general assembly to  
1 3 regulate consumer approval transactions and apply penalties  
1 4 for violations in relation to such transactions. For the  
1 5 purposes of this section, "consumer approval transaction" means  
1 6 a solicitation of a customer away from a regular place of  
1 7 business of the seller or by a mail or telephone solicitation  
1 8 from the seller directed to a customer.

1 9 EXPLANATION

1 10 This bill states that the intent of the general assembly is  
1 11 to regulate consumer approval transactions and apply penalties  
1 12 for violations in relation to such transactions. The bill  
1 13 defines a consumer approval transaction to mean a solicitation  
1 14 of a customer away from a regular place of business of the  
1 15 seller or by a mail or telephone solicitation from the seller  
1 16 directed to a customer.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2491 - Introduced**

HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 564)

**A BILL FOR**

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

PAG LIN

1 1 Section 1. Section 100C.6, subsection 4, Code Supplement  
1 2 2009, is amended to read as follows:  
1 3 4. ~~Relieve any person engaged in fire sprinkler protection~~  
1 4 ~~system installation, maintenance, repair, service, or~~  
1 5 ~~inspection as defined in section 100D.1 from obtaining a fire~~  
1 6 ~~sprinkler protection system installer and maintenance worker~~  
1 7 ~~license as required pursuant to chapter 100D.~~  
1 8 Sec. 2. Section 100D.1, subsections 1, 5, and 8, Code  
1 9 Supplement 2009, are amended to read as follows:  
1 10 1. "Apprentice ~~sprinkler fitter~~ fire protection system  
1 11 installer and maintenance worker" means a person who is  
1 12 registered in an apprenticeship program approved by the  
1 13 United States department of labor who is engaged in learning  
1 14 the fire protection system industry trade under the direct  
1 15 supervision of a responsible managing employee of a certified  
1 16 fire extinguishing system contractor or licensed fire  
1 17 sprinkler protection system installer and maintenance worker  
1 18 ~~and who is registered with the United States department of~~  
1 19 ~~labor, office of apprenticeship other than a trainee.~~  
1 20 5. "Fire protection system" means a sprinkler, standpipe,  
1 21 hose system, special hazard system, dry systems, foam systems,  
1 22 or any water-based fire protection system, ~~either~~ whether  
1 23 engineered or pre-engineered and whether manual or  
1 24 automatically activated, used for fire protection purposes  
1 25 ~~that is composed of which may include an integrated system of~~  
1 26 underground and overhead piping and which may be connected to  
1 27 a water source. For licensing purposes only "fire protection  
1 28 system" does not include the water service piping to a structure  
1 29 ~~or building from a city water main.~~  
1 30 8. "Fire ~~sprinkler protection system~~ installer and  
1 31 maintenance worker" means a person who, having the necessary  
1 32 qualifications, training, experience, and technical knowledge,  
1 33 conducts fire protection system installation and maintenance,  
1 34 and who is licensed by the department.  
1 35 Sec. 3. Section 100D.1, Code Supplement 2009, is amended by



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

2 1 adding the following new subsections:

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

2 11 NEW SUBSECTION. 9A. "Routine maintenance" means the repair  
2 12 or replacement of existing fire protection system components of  
2 13 the same size and type for which no changes in configuration  
2 14 are made, and does not include any new installation or the  
2 15 expansion or extension of any existing fire protection system.

2 16 NEW SUBSECTION. 10. "Trainee" means a person who is engaged  
2 17 in learning the fire protection system industry trade under  
2 18 the direct supervision of a responsible managing employee of a  
2 19 certified fire extinguishing system contractor or licensed fire  
2 20 protection system installer and maintenance worker and who is  
2 21 not registered with the United States department of labor.

2 22 Sec. 4. Section 100D.2, subsections 1 and 2, Code Supplement  
2 23 2009, are amended to read as follows:

2 24 1. On or after January 1, 2010, a person shall not perform  
2 25 fire protection system installations or fire protection  
2 26 system maintenance without holding a current, valid fire  
2 27 ~~sprinkler~~ protection system installer and maintenance worker  
2 28 license issued pursuant to this chapter-, with the following  
2 29 exceptions:

2 30 a. An employee of a fire extinguishing system contractor  
2 31 working as an apprentice ~~sprinkler fitter~~ fire protection  
2 32 system installer and maintenance worker performing fire  
2 33 protection system installation or maintenance under the  
2 34 direct supervision of an on-site responsible managing employee  
2 35 or licensed fire ~~sprinkler~~ protection system installer and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

3 1 maintenance worker is not required to hold a current, valid  
3 2 fire ~~sprinkler~~ protection system installer and maintenance  
3 3 worker license.  
3 4 b. ~~A person who installs or demolishes walls, ceilings,~~  
3 5 ~~flooring, insulation, or associated materials or a person who~~  
3 6 ~~demolishes sprinkler pipe fire protection system components is~~  
3 7 ~~not subject to the provisions of this chapter except when the~~  
3 8 ~~work involves a complete sprinkler system. A person is not~~  
3 9 ~~required to be licensed in order to demolish part of a system~~  
3 10 ~~or a partial system, provided that the system is taken out of~~  
3 11 ~~service. If a system is restored to service after having been~~  
3 12 ~~taken out of service, the restoration work must be performed~~  
3 13 ~~by a person licensed pursuant to this chapter or a responsible~~  
3 14 ~~managing employee.~~  
3 15 c. A person who is a responsible managing employee of a  
3 16 fire extinguishing system contractor is not required to hold a  
3 17 current, valid fire ~~sprinkler~~ protection system installer and  
3 18 maintenance worker license, in order to perform fire protection  
3 19 system installations or maintenance.  
3 20 d. A trainee who works at all times under the direct  
3 21 supervision of a licensed fire protection system installer and  
3 22 maintenance worker, other than an unclassified person, may  
3 23 be licensed to work on either special hazard fire protection  
3 24 systems, pre-engineered fire protection systems, or both, but  
3 25 shall not be licensed to perform installation or maintenance on  
3 26 an engineered water-based fire protection system. A trainee  
3 27 license may be renewed once and a person may work as a trainee  
3 28 for a maximum of four years.  
3 29 2. A licensed fire ~~sprinkler~~ protection system installer  
3 30 and maintenance worker must be present at all locations  
3 31 and at all times when fire protection system installation  
3 32 work is being performed. At least one licensed fire  
3 33 ~~sprinkler~~ protection system installer and maintenance  
3 34 worker must be present for every three apprentice ~~sprinkler~~  
3 35 ~~fitters~~ fire protection system installers and maintenance



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

4 1 workers or trainees performing work related to fire protection  
4 2 system installation.  
4 3 Sec. 5. Section 100D.2, subsection 6, Code Supplement 2009,  
4 4 is amended by striking the subsection.  
4 5 Sec. 6. Section 100D.3, Code Supplement 2009, is amended to  
4 6 read as follows:  
4 7 100D.3 Fire ~~sprinkler~~ protection system installer and  
4 8 maintenance worker license.  
4 9 1. The state fire marshal shall issue a fire ~~sprinkler~~  
4 10 protection system installer and maintenance worker license to  
4 11 an applicant who meets all of the following requirements:  
4 12 a. ~~Possesses a minimum of four years of employment~~  
4 13 ~~experience as an apprentice sprinkler fitter.~~  
4 14 b. ~~a.~~ a. Has completed a ~~United States department of~~  
4 15 ~~labor~~ fire protection apprenticeship program approved by the  
4 16 United States department of labor, or has completed two years  
4 17 of full-time employment or the equivalent thereof as a trainee.  
4 18 c. ~~b.~~ b. Is employed by a fire extinguishing system  
4 19 contractor. However, an applicant whose work on extinguishing  
4 20 systems will be restricted to systems on property owned or  
4 21 controlled by the applicant's employer may obtain a license if  
4 22 the employer is not a certified contractor.  
4 23 d. ~~c.~~ c. Has received a passing score on the national  
4 24 inspection, testing, and certification star fire sprinkler  
4 25 mastery exam or on an equivalent exam from a nationally  
4 26 recognized third-party testing agency that is approved by  
4 27 the state fire marshal, or is certified at level one by  
4 28 the national institute for certification in engineering  
4 29 technologies ~~based on general work elements, as defined~~  
4 30 ~~by the national institute for certification in engineering~~  
4 31 ~~technologies,~~ and as specified by rule by the state fire  
4 32 marshal, or is certified by another entity approved by the fire  
4 33 marshal.  
4 34 2. The holder of a fire ~~sprinkler~~ protection system  
4 35 installer and maintenance worker license shall be responsible



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

5 1 for license fees, renewal fees, and continuing education hours.

5 2 3. The license of a fire ~~sprinkler~~ protection system  
5 3 installer and maintenance worker licensee who ceases to be  
5 4 employed by a fire extinguishing system contractor shall  
5 5 continue to be valid until it would otherwise expire, but the  
5 6 licensee shall not perform work requiring licensure under  
5 7 this chapter until the licensee is again employed by a fire  
5 8 extinguishing system contractor. If the licensee becomes  
5 9 employed by a fire extinguishing system contractor other than  
5 10 the contractor which employed the licensee at the time the  
5 11 license was issued, the licensee shall notify the fire marshal  
5 12 and shall apply for an amendment to the license. The fire  
5 13 marshal may establish by rule a fee for amending a license.  
5 14 This subsection shall not extend the time period during which a  
5 15 license is valid. This subsection does not apply to a licensee  
5 16 whose work on extinguishing systems is restricted to systems on  
5 17 property owned or controlled by the licensee's employer.

5 18 4. The fire marshal, by rule, may restrict the scope of work  
5 19 authorized by a license.

5 20 Sec. 7. Section 100D.4, subsections 1 and 2, Code Supplement  
5 21 2009, are amended to read as follows:

5 22 1. An applicant for a fire ~~sprinkler~~ protection  
5 23 system installer and maintenance worker license or renewal of  
5 24 an active license shall provide evidence of a public liability  
5 25 insurance policy and surety bond in an amount determined  
5 26 sufficient by the fire marshal by rule.

5 27 2. If the applicant is engaged in fire ~~sprinkler~~ protection  
5 28 system installer and maintenance worker work individually  
5 29 through a business conducted as a sole proprietorship, the  
5 30 applicant shall personally obtain the insurance and surety  
5 31 bond required by this section. If the applicant is engaged in  
5 32 the fire ~~sprinkler~~ protection system installer and maintenance  
5 33 worker business as an employee or owner of a legal entity,  
5 34 then the insurance and surety bond required by this section  
5 35 shall be obtained by the entity and shall cover all fire



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

6 1 ~~sprinkler~~ protection system installer and maintenance worker  
6 2 work performed by the entity.  
6 3 Sec. 8. Section 100D.5, subsection 1, Code Supplement 2009,  
6 4 is amended to read as follows:  
6 5 1. ~~Adopt~~ After consultation with the fire extinguishing  
6 6 system contractors and alarm systems advisory board established  
6 7 pursuant to section 100C.10, adopt rules pursuant to chapter  
6 8 17A necessary for the administration and enforcement of this  
6 9 chapter.  
6 10 Sec. 9. Section 100D.8, Code Supplement 2009, is amended to  
6 11 read as follows:  
6 12 100D.8 Provisional licensure.  
6 13 1. An applicant for licensure under this chapter as a fire  
6 14 ~~sprinkler~~ protection system installer and maintenance worker  
6 15 who possesses a minimum of four years of experience as an  
6 16 apprentice ~~sprinkler fitter~~ fire protection system installer  
6 17 and maintenance worker and who has not successfully passed the  
6 18 licensure examination or achieved certification as required  
6 19 pursuant to section 100D.3 by January 1, 2010, shall be issued  
6 20 a license as a fire ~~sprinkler~~ protection system installer and  
6 21 maintenance worker for a period ending no later than ~~June~~  
6 22 ~~30~~ December 31, 2010. A provisional license shall be granted  
6 23 upon presentation of satisfactory evidence to the fire marshal  
6 24 demonstrating experience and competency in conducting fire  
6 25 protection system installations and fire protection system  
6 26 maintenance according to criteria to be determined by the fire  
6 27 marshal in rule.  
6 28 2. An applicant issued a provisional license pursuant  
6 29 to this section shall pass the licensure examination or  
6 30 achieve certification on or before ~~June 30~~ December 31, 2010,  
6 31 in order to remain licensed as a fire ~~sprinkler~~ protection  
6 32 system installer and maintenance worker. A provisional license  
6 33 fee shall be established by the fire marshal by rule. No  
6 34 provisional licenses shall be issued after ~~April~~ July 1, 2010.  
6 35 Sec. 10. Section 100D.9, subsection 1, Code Supplement



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

7 1 2009, is amended to read as follows:

7 2 1. An applicant for licensure under this chapter, who  
7 3 is employed as a fire ~~sprinkler~~ protection system installer  
7 4 and maintenance worker as of July 1, 2008, shall be issued  
7 5 a license upon presentation of satisfactory evidence to the  
7 6 department of at least eight thousand five hundred hours of  
7 7 experience as a fire ~~sprinkler~~ protection system installer and  
7 8 maintenance worker and one of the following:

7 9 a. Presentation of a certificate of completion of a ~~United~~  
~~States department of labor, office of apprenticeship, four-year~~  
7 11 ~~or five-year~~ protection system apprenticeship program, approved  
7 12 by the United States department of labor.

7 13 b. A passing score on the national inspection, testing and  
7 14 certification star fire sprinkler mastery exam or an equivalent  
7 15 exam from a nationally recognized third-party testing agency  
7 16 that is approved by the state fire marshal.

7 17 c. Certification, ~~based upon general work elements,~~  
~~as defined by the national institute for certification in~~  
~~engineering technologies, at level I~~ by the national institute  
7 20 for certification in engineering technologies, ~~and~~ or another  
7 21 entity as specified by rule by the state fire marshal.

7 22 Sec. 11. Section 100D.10, Code Supplement 2009, is amended  
7 23 to read as follows:

7 24 100D.10 Reciprocal licenses.

7 25 To the extent that another state provides for the licensing  
7 26 of fire ~~sprinkler~~ protection system installers and maintenance  
7 27 workers or similar action, the state fire marshal may issue  
7 28 a fire ~~sprinkler~~ protection system installer and maintenance  
7 29 worker license, without examination, to a nonresident fire  
7 30 ~~sprinkler~~ protection system installer and maintenance worker  
7 31 who has been licensed by such other state for at least three  
7 32 years provided such other state grants the same reciprocal  
7 33 licensing privileges to residents of Iowa who have obtained  
7 34 a fire ~~sprinkler~~ protection system installer and maintenance  
7 35 worker license upon payment by the applicant of the required



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2491 - Introduced continued

8 1 fee and upon furnishing proof that the qualifications of the  
8 2 applicant are equal to the qualifications of holders of similar  
8 3 licenses in this state.

8 4 Sec. 12. Section 100D.11, subsection 2, Code Supplement  
8 5 2009, is amended to read as follows:

8 6 2. The provisions of this chapter shall not be construed  
8 7 to apply to a person ~~employed full time as a custodian for a~~  
~~8 8 school corporation, hospital, or public facility, who performs~~  
~~8 9 fire sprinkler maintenance work involving no more than one~~  
~~8 10 sprinkler head or nozzle only performing routine maintenance.~~

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

8 14 The state fire marshal may issue a temporary fire  
8 15 sprinkler protection system installer and maintenance worker  
8 16 license to a person, providing that all of the following  
8 17 conditions are met:

8 18 Sec. 14. Section 100D.13, subsection 1, paragraphs a and e,  
8 19 Code Supplement 2009, are amended to read as follows:

8 20 a. The person is currently licensed or certified to perform  
8 21 work as a fire sprinkler protection system installer and  
8 22 maintenance worker in another state.

8 23 e. The person intends to perform work as a fire  
8 24 sprinkler protection system installer and maintenance worker  
8 25 only in areas of this state which are covered by a disaster  
8 26 emergency declaration issued by the governor pursuant to  
8 27 section 29C.6.

8 28 Sec. 15. Section 272C.1, subsection 6, paragraph af, Code  
8 29 Supplement 2009, is amended to read as follows:

8 30 af. The department of public safety, in licensing fire  
8 31 sprinkler protection system installers and maintenance workers  
8 32 pursuant to chapter 100D.

8 33 EXPLANATION

8 34 Under current law, persons who perform fire protection  
8 35 system installation or fire protection system maintenance must



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2491 - Introduced continued

9 1 be licensed as a fire sprinkler installer and maintenance  
9 2 worker. This bill changes that designation to fire protection  
9 3 system installer and maintenance worker.  
9 4     The bill also revises apprenticeship requirements for  
9 5 trainees. The bill eliminates references to a four-year  
9 6 apprenticeship and instead requires completion of a fire  
9 7 protection apprenticeship program approved by the United States  
9 8 department of labor, or completion of two years of full-time  
9 9 employment as a trainee. Under the bill the fire marshal, by  
9 10 rule, may restrict the scope of work authorized by a license.  
9 11     The bill eliminates a current provision which allows a  
9 12 governmental subdivision that administers an inspection program  
9 13 relating to the installation of a fire protection system on  
9 14 July 31, 2009, to continue that inspection program.  
9 15     The bill provides that persons who demolish part of a system  
9 16 do not need to be licensed, if the system is taken out of  
9 17 service. The bill also allows a company manager to supervise  
9 18 the work of an apprentice or to perform system restoration  
9 19 work, if the manager is certified in fire protection  
9 20 technology.  
9 21     The bill eliminates current language which exempts from the  
9 22 Code chapter custodians in schools, hospitals, and government  
9 23 facilities performing sprinkler maintenance. The bill adds a  
9 24 general exemption for routine maintenance.  
9 25     The bill extends the period for temporary licensure, pending  
9 26 passage of the examination, from June 30, 2010, to December 31,  
9 27 2010.

LSB 5421HV (3) 83  
jr/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2492 - Introduced**

HOUSE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 623)

**A BILL FOR**

1 An Act relating to the duties and operations of the department  
2 of education and local school boards.

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

TLSB 5391HV (3) 83

kh/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

PAG LIN

1 1 Section 1. Section 19B.11, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. It is the policy of this state to provide equal  
1 4 opportunity in school district, area education agency, and  
1 5 community college employment to all persons. An individual  
1 6 shall not be denied equal access to school district, area  
1 7 education agency, or community college employment opportunities  
1 8 because of race, creed, color, religion, national origin,  
1 9 sex, sexual orientation, gender identity, age, or physical or  
1 10 mental disability. It also is the policy of this state to  
1 11 apply affirmative action measures to correct deficiencies in  
1 12 school district, area education agency, and community college  
1 13 employment systems where those remedies are appropriate. This  
1 14 policy shall be construed broadly to effectuate its purposes.  
1 15 Sec. 2. Section 22.7, subsection 1, Code Supplement 2009,  
1 16 is amended to read as follows:  
1 17 1. Personal information in records regarding a student,  
1 18 prospective student, or former student maintained, created,  
1 19 collected or assembled by or for a school corporation or  
1 20 educational institution maintaining such records. This  
1 21 subsection shall not be construed to prohibit a postsecondary  
1 22 education institution from disclosing to a parent or guardian  
1 23 information regarding a violation of a federal, state, or  
1 24 local law, or institutional rule or policy governing the use  
1 25 or possession of alcohol or a controlled substance if the  
1 26 child is under the age of twenty-one years and the institution  
1 27 determines that the student committed a disciplinary violation  
1 28 with respect to the use or possession of alcohol or a  
1 29 controlled substance regardless of whether that information is  
1 30 contained in the student's education records. This subsection  
1 31 shall not be construed to prohibit a school corporation or  
1 32 educational institution from transferring student records  
1 33 electronically to the department of education, an accredited  
1 34 nonpublic school, an attendance center, a school district, or  
1 35 an accredited postsecondary institution in accordance with



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

2 1 section 256.9, subsection 47.

2 2 Sec. 3. Section 256.5A, Code 2009, is amended to read as  
2 3 follows:

2 4 256.5A Nonvoting member.

2 5 1. The governor shall appoint the one nonvoting student  
2 6 member of the state board for a term of ~~one year~~ two  
2 7 years beginning and ending as provided in section 69.19. The  
2 8 nonvoting student member shall be appointed from a list of  
2 9 names submitted by the state board of education. Students  
2 10 enrolled in ~~either~~ grade ten ~~or eleven~~ in a public school  
2 11 may apply to the state board to serve as a nonvoting student  
2 12 member.

2 13 2. The department shall develop an application process that  
2 14 requires the consent of the student's parent or guardian if  
2 15 the student is a minor, initial application approval by the  
2 16 school district in which the student applicant is enrolled, and  
2 17 submission of approved applications by a school district to the  
2 18 department.

2 19 3. The nonvoting student member's school district of  
2 20 enrollment shall notify the student's parents if the student's  
2 21 grade point average falls during the period in which the  
2 22 student is a member of the state board.

2 23 4. The state board shall adopt rules under chapter 17A  
2 24 specifying criteria for the selection of applicants whose  
2 25 names shall be submitted to the governor. Criteria shall  
2 26 include, but are not limited to, academic excellence,  
2 27 participation in extracurricular and community activities,  
2 28 and interest in serving on the board. Rules adopted by the  
2 29 state board shall also require, if the student is a minor,  
2 30 supervision of the student by the student's parent or guardian  
2 31 while the student is engaged in authorized state board business  
2 32 at a location other than the community in which the student  
2 33 resides, unless the student's parent or guardian submits to the  
2 34 state board a signed release indicating the parent or guardian  
2 35 has determined that supervision of the student by the parent or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

3 1 guardian is unnecessary.

3 2 5. The nonvoting student member appointment is not subject  
3 3 to section 69.16 or 69.16A.

3 4 6. The nonvoting student member shall have been enrolled  
3 5 in a public school in Iowa for at least one year prior to the  
3 6 member's appointment. ~~A nonvoting student member who will not~~  
~~3 7 graduate from high school prior to the end of a second term may~~  
~~3 8 apply to the state board for submission of candidacy to the~~  
~~3 9 governor for a second one-year term.~~

3 10 7. A nonvoting student member shall be paid a per diem as  
3 11 provided in section 7E.6 and the student and the student's  
3 12 parent or guardian shall be reimbursed for actual and necessary  
3 13 expenses incurred in the performance of the student's duties as  
3 14 a nonvoting member of the state board.

3 15 8. A vacancy in the membership of the nonvoting student  
3 16 member shall not be filled until the expiration of the term.

3 17 Sec. 4. Section 256.9, subsections 25 and 26, Code  
3 18 Supplement 2009, are amended by striking the subsections.

3 19 Sec. 5. Section 256.9, subsection 52, paragraph a, Code  
3 20 Supplement 2009, is amended to read as follows:

3 21 a. Develop and distribute, in collaboration with the area  
3 22 education agencies, core curriculum technical assistance  
3 23 and implementation strategies that school districts and  
3 24 accredited nonpublic schools shall utilize, including but  
3 25 not limited to the development and delivery of formative and  
3 26 ~~end-of-course~~ model end-of-course and additional assessments  
3 27 classroom teachers may use to measure student progress  
3 28 on the core curriculum adopted pursuant to section 256.7,  
3 29 subsection 26. The department shall, in collaboration with the  
3 30 advisory group convened in accordance with paragraph "b" and  
3 31 educational assessment providers, identify and make available  
3 32 to school districts model end-of-course and additional model  
~~3 33 end-of-course~~ and additional assessments to align with the  
3 34 expectations included in the Iowa core curriculum. The model  
3 35 assessments shall be suitable to meet the multiple assessment



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

4 1 measures requirement specified in section 256.7, subsection 21,  
4 2 paragraph "c".

4 3 Sec. 6. Section 256.10, subsection 2, Code 2009, is amended  
4 4 to read as follows:

4 5 2. Appointments to the professional staff of the department  
4 6 shall be made in accordance with section 216.6, subsection 1,  
4 7 and shall be without reference to political party affiliation,  
4 8 ~~religious affiliation, sex,~~ or marital status, but shall be  
4 9 based solely upon fitness, ability, and proper qualifications  
4 10 for the particular position. The professional staff shall  
4 11 serve at the discretion of the director. A member of the  
4 12 professional staff shall not be dismissed for cause without  
4 13 ~~appropriate due process procedures including a hearing an~~  
4 14 opportunity to meet with the director.

4 15 Sec. 7. Section 256.30, Code 2009, is amended to read as  
4 16 follows:

4 17 256.30 Educational expenses for American Indians.

4 18 1. The department of education shall provide moneys to pay  
4 19 the expense of educating American Indian children residing in  
4 20 the Sac and Fox Indian settlement on land held in trust by  
4 21 the secretary of the interior of the United States in excess  
4 22 of federal moneys paid to the tribal council for educating  
4 23 the American Indian children when moneys are appropriated for  
4 24 that purpose. ~~The tribal council shall administer the moneys~~  
4 25 ~~distributed to it by the department and shall submit an annual~~  
4 26 ~~report and other reports as required by the department to the~~  
4 27 ~~department on the expenditure of the moneys.~~

4 28 2. The tribal council shall administer moneys distributed  
4 29 to it by the department of education as provided in subsection

4 30 1. The tribal council shall first use the moneys distributed  
4 31 ~~to it by the department of education~~ for the purposes of this  
4 32 section to pay the additional costs of salaries for licensed  
4 33 instructional staff for educational attainment and full-time  
4 34 equivalent years of experience to equal the salaries listed on  
4 35 the proposed salary schedule for the school at the Sac and Fox



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

5 1 Indian settlement for that school year, but the salary for a  
5 2 licensed instructional staff member employed on a full-time  
5 3 basis shall not be less than eighteen thousand dollars.

5 4 3. The department of management shall approve allotments  
5 5 of moneys appropriated in for purposes of this section when  
~~5 6 the department of education certifies to the department of~~  
~~5 7 management that the requirements of this section have been met.~~

5 8 Sec. 8. Section 257.6, subsection 1, paragraph a,  
5 9 subparagraph (3), Code Supplement 2009, is amended to read as  
5 10 follows:

5 11 (3) Shared-time and part-time pupils of school age enrolled  
5 12 in public schools within the district, irrespective of the  
5 13 districts in which the pupils reside, in the proportion that  
5 14 the time for which they are enrolled or receive instruction for  
5 15 the school year is to the time that full-time pupils carrying  
5 16 a normal course schedule, at the same grade level, in the  
5 17 same school district, for the same school year, are enrolled  
5 18 and receive instruction. Tuition charges to the parent or  
5 19 guardian of a shared-time or part-time nonresident pupil shall  
5 20 be reduced by the amount of any increased state aid received by  
5 21 the district by the counting of the pupil. This subparagraph  
5 22 applies to pupils enrolled in grades nine through twelve under  
5 23 section 299A.8 and to pupils from accredited nonpublic schools  
5 24 accessing classes or services on the accredited nonpublic  
5 25 school premises or the school district site, but excludes  
5 26 accredited nonpublic school pupils receiving classes or  
5 27 services funded by federal grants or allocations.

5 28 Sec. 9. Section 257.31, subsection 2, Code Supplement 2009,  
5 29 is amended to read as follows:

5 30 2. The committee shall specify the number of hearings held  
5 31 annually, ~~the reasons for the committee's recommendations, a~~  
5 32 summary of decisions, information about the amounts of property  
5 33 tax levied by school districts for a cash reserve, and other  
5 34 information the committee deems advisable on the department of  
5 35 education's internet ~~website~~ site.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

6 1 Sec. 10. Section 257.37, subsection 4, Code 2009, is amended  
6 2 to read as follows:

6 3 4. "Enrollment served" means the basic enrollment plus the  
6 4 number of nonpublic school pupils served with media services  
6 5 or educational services, as applicable, except that if a  
6 6 nonpublic school pupil or a pupil attending another district  
6 7 under a whole grade sharing agreement or open enrollment  
6 8 receives services through an area other than the area of the  
6 9 pupil's residence, the pupil shall be deemed to be served by  
6 10 the area of the pupil's residence, which shall by contractual  
6 11 arrangement reimburse the area through which the pupil actually  
6 12 receives services. Each school district shall include in  
6 13 the enrollment report submitted pursuant to section 257.6,  
6 14 subsection 1, the number of nonpublic school pupils within each  
6 15 school district for media and educational services served by  
6 16 the area. However, the school district shall not include in  
6 17 the enrollment report nonpublic school pupils receiving classes  
6 18 or services funded by federal grants or allocations.

6 19 Sec. 11. Section 257B.33, Code 2009, is amended to read as  
6 20 follows:

6 21 257B.33 Suit == attorney fee.

6 22 If the debtor does not comply with the notice, the auditor  
6 23 shall report the noncompliance to the ~~county attorney,~~  
6 24 ~~who shall~~ board of directors of the school district, which  
6 25 may bring an action to recover the debt, and an injunction may  
6 26 issue for cause, without bond when so petitioned, and there  
6 27 shall be allowed in the judgment, entered and taxed as a part  
6 28 of the costs in the case, a reasonable sum as compensation to  
6 29 plaintiff's attorney, not exceeding the amount provided by law  
6 30 for attorneys' fees.

6 31 Sec. 12. Section 259A.1, Code 2009, is amended to read as  
6 32 follows:

6 33 259A.1 Tests.

6 34 The department of education shall cause to be made  
6 35 available for qualified individuals a high school equivalency



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

7 1 diploma. The diploma shall be issued on the basis of  
7 2 satisfactory competence as shown by tests covering all of the  
7 3 following: ~~reading, arts, language arts, writing~~ language  
7 4 arts=reading, language arts=writing, mathematics, science, and  
7 5 social studies.  
7 6 Sec. 13. Section 261E.8, subsection 5, Code Supplement  
7 7 2009, is amended by striking the subsection.  
7 8 Sec. 14. Section 273.3, subsection 12, Code Supplement  
7 9 2009, is amended to read as follows:  
7 10 12. Prepare an annual budget estimating income and  
7 11 expenditures for programs and services as provided in sections  
7 12 273.1 to 273.9 and chapter 256B within the limits of funds  
7 13 provided under section 256B.9 and chapter 257. The board  
7 14 shall give notice of a public hearing on the proposed budget  
7 15 by publication in an official county newspaper in each county  
7 16 in the territory of the area education agency in which the  
7 17 principal place of business of a school district that is a part  
7 18 of the area education agency is located. The notice shall  
7 19 specify the date, which shall be not later than March 1 of  
7 20 each year, the time, and the location of the public hearing.  
7 21 The proposed budget as approved by the board shall then be  
7 22 submitted to the state board of education, on forms provided  
7 23 by the department, no later than March 15 preceding the  
7 24 next fiscal year for approval. The state board shall review  
7 25 the proposed budget of each area education agency and shall  
7 26 before ~~April~~ May 1, either grant approval or return the budget  
7 27 without approval with comments of the state board included. An  
7 28 unapproved budget shall be resubmitted to the state board for  
7 29 final approval not later than ~~April~~ May 15. ~~For the fiscal~~  
~~7 30 year beginning July 1, 1999, and each succeeding fiscal year,~~  
~~7 31 the~~ The state board shall give final approval only to budgets  
7 32 submitted by area education agencies accredited by the state  
7 33 board or that have been given conditional accreditation by the  
7 34 state board.  
7 35 Sec. 15. Section 273.23, subsection 5, Code 2009, is amended



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

8 1 to read as follows:

8 2 5. The initial board, or new board if established in time  
8 3 under subsection 3, of the newly formed agency shall prepare an  
8 4 annual budget estimating income and expenditures for programs  
8 5 and services as provided in sections 273.1 through 273.9  
8 6 and chapter 256B within the limits of funds provided under  
8 7 section 256B.9 and chapter 257. The board shall give notice  
8 8 of a public hearing on the proposed budget by publication in  
8 9 an official county newspaper in each county in the territory  
8 10 of the area education agency in which the principal place  
8 11 of business of a school district that is a part of the area  
8 12 education agency is located. The notice shall specify the  
8 13 date, which shall not be later than March 1, the time, and  
8 14 the location of the public hearing. The proposed budget as  
8 15 approved by the board shall be submitted to the state board,  
8 16 on forms provided by the department, no later than March 15  
8 17 for approval. The state board shall review the proposed  
8 18 budget of the newly formed area education agency and shall,  
8 19 before ~~April~~ May 1, either grant approval or return the budget  
8 20 without approval with comments of the state board included. An  
8 21 unapproved budget shall be resubmitted to the state board for  
8 22 final approval not later than ~~April~~ May 15. The state board  
8 23 shall give final approval only to budgets submitted by area  
8 24 education agencies accredited by the state board or that have  
8 25 been given conditional accreditation by the state board.

8 26 Sec. 16. Section 279.30, Code 2009, is amended to read as  
8 27 follows:

8 28 279.30 Exceptions.

8 29 Each payment must be made payable to the person entitled to  
8 30 receive the money or deposited directly into an account at a  
8 31 financial institution, as defined in section 527.2, specified  
8 32 by the person entitled to receive the money. The board of  
8 33 directors of a school district or an area education agency may  
8 34 by resolution authorize the secretary, upon approval of the  
8 35 superintendent or designee, or administrator, in the case of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

9 1 an area education agency, to issue payments when the board  
9 2 of directors is not in session in payment of reasonable and  
9 3 necessary expenses, but only upon verified bills filed with the  
9 4 secretary or administrator, and for the payment of salaries  
9 5 pursuant to the terms of a written contract. Each payment  
9 6 must be made payable only to the person performing the service  
9 7 or presenting the verified bill, and must state the purpose  
9 8 for which the payment is issued. All bills and salaries for  
9 9 which payments are issued prior to audit and allowance by the  
9 10 board must be passed upon by the board of directors at the next  
9 11 meeting and be entered in the regular minutes of the secretary.

9 12 Sec. 17. Section 279.42, Code 2009, is amended to read as  
9 13 follows:

9 14 279.42 Gifts to schools.

9 15 The board of directors of a school district ~~which that~~  
9 16 receives funds through ~~gifts, devises, and bequests a gift,~~  
9 17 devise, or bequest shall deposit these the funds in a trust  
9 18 and, permanent, or agency fund and shall use them the funds in  
9 19 accordance with the terms of the gift, devise, or bequest.

9 20 Sec. 18. Section 280.3, subsection 2, Code 2009, is amended  
9 21 to read as follows:

9 22 2. The minimum educational program shall be the curriculum  
9 23 set forth in subsection 3 of this section and section 256.11,  
9 24 except as otherwise provided by law. The board of directors of  
9 25 a public school district shall not allow discrimination in any  
9 26 educational program on the basis of race, color, creed, sex,  
9 27 ~~marital status,~~ sexual orientation, gender identity, or place  
9 28 of national origin.

9 29 Sec. 19. Section 282.9, subsection 1, Code Supplement 2009,  
9 30 is amended to read as follows:

9 31 1. Notwithstanding this chapter and sections 275.55A, and  
9 32 256F.4, and 282.18, or any other provision to the contrary,  
9 33 prior to knowingly enrolling an individual who is required  
9 34 to register as a sex offender under chapter 692A, but who is  
9 35 otherwise eligible to enroll in a public school, the board of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

10 1 directors of a school district shall determine the educational  
10 2 placement of the individual. Upon receipt of notice that a  
10 3 student who is enrolled in the district is required to register  
10 4 as a sex offender under chapter 692A, the board shall determine  
10 5 the educational placement of the student. The tentative agenda  
10 6 for the meeting of the board of directors at which the board  
10 7 will consider such enrollment or educational placement shall  
10 8 specifically state that the board is considering the enrollment  
10 9 or educational placement of an individual who is required  
10 10 to register as a sex offender under chapter 692A. If the  
10 11 individual is denied enrollment in a school district under this  
10 12 section, the school district of residence shall provide the  
10 13 individual with educational services in an alternative setting.  
10 14 Sec. 20. Section 282.18, subsection 4, Code Supplement  
10 15 2009, is amended by adding the following new paragraph:  
10 16 NEW PARAGRAPH. Oc. If a request for transfer is submitted  
10 17 to the receiving district after March 1 of the preceding  
10 18 school year on behalf of a pupil whose sibling is already  
10 19 participating in open enrollment, the receiving district shall  
10 20 take action to approve the request.  
10 21 Sec. 21. Section 282.18, subsection 5, Code Supplement  
10 22 2009, is amended to read as follows:  
10 23 5. Open enrollment applications filed after March 1  
10 24 of the preceding school year that do not qualify for ~~good~~  
~~10 25 cause approval~~ as provided in subsection 4 shall be subject  
10 26 to the approval of the board of the resident district and  
10 27 the board of the receiving district. The parent or guardian  
10 28 shall send notification to the district of residence and the  
10 29 receiving district that the parent or guardian seeks to enroll  
10 30 the parent's or guardian's child in the receiving district. A  
10 31 decision of either board to deny an application filed under  
10 32 this subsection involving repeated acts of harassment of the  
10 33 student or serious health condition of the student that the  
10 34 resident district cannot adequately address is subject to  
10 35 appeal under section 290.1. The state board shall exercise



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

11 1 broad discretion to achieve just and equitable results that are  
11 2 in the best interest of the affected child or children.

11 3 Sec. 22. Section 284.10, subsection 2, Code 2009, is amended  
11 4 to read as follows:

11 5 2. An administrator licensed under chapter 272 who conducts  
11 6 evaluations of teachers for purposes of this chapter shall  
11 7 complete the evaluator training program. A practitioner  
11 8 licensed under chapter 272 who is not an administrator  
11 9 may enroll in the evaluator training program. Enrollment  
11 10 preference shall be given to administrators and to other  
11 11 practitioners who are not beginning teachers. Upon successful  
11 12 completion, the provider shall certify that the administrator  
11 13 or other practitioner is qualified to conduct evaluations  
11 14 for employment, make recommendations for licensure, and make  
11 15 recommendations that a teacher is qualified to advance from one  
11 16 career path level to the next career path level pursuant to  
11 17 this chapter. Certification is for a period of five years and  
11 18 may be renewed.

11 19 Sec. 23. Section 284A.2, subsection 2, Code Supplement  
11 20 2009, is amended to read as follows:

11 21 2. "Beginning administrator" means an individual serving  
11 22 under an ~~initial~~ administrator license, issued by the board  
11 23 of educational examiners under chapter 272, who is assuming  
11 24 a position as a school district ~~administrator~~ principal or  
11 25 superintendent for the first time.

11 26 Sec. 24. Section 284A.5, subsections 3 and 5, Code 2009, are  
11 27 amended to read as follows:

11 28 3. Each school board shall establish an administrator  
11 29 mentoring program for all beginning administrators. The  
11 30 school board may adopt the model program developed by the  
11 31 department pursuant to subsection 2. Each school board's  
11 32 beginning administrator mentoring and induction program  
11 33 shall, at a minimum, provide for one year of programming to  
11 34 support the Iowa standards for school administrators adopted  
11 35 pursuant to section 256.7, subsection 27, and beginning



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

12 1 administrators' professional and personal needs. Each school  
12 2 board shall develop ~~an initial~~ and implement a beginning  
12 3 administrator mentoring and induction plan. The plan shall  
12 4 describe the mentor selection process, describe supports for  
12 5 beginning administrators, describe program organizational  
12 6 and collaborative structures, provide a budget, provide  
12 7 for sustainability of the program, and provide for program  
12 8 evaluation. The school board employing an administrator shall  
12 9 determine the conditions and requirements of an administrator  
12 10 participating in a program established pursuant to this  
12 11 section. A school board shall include its plan in the school  
12 12 district's comprehensive school improvement plan submitted  
12 13 pursuant to section 256.7, subsection 21.  
12 14 5. By the end of a beginning administrator's first year of  
12 15 employment, the beginning administrator may be comprehensively  
12 16 evaluated to determine if the administrator meets expectations  
12 17 to move to a ~~standard~~ professional administrator license,  
12 18 where appropriate. The school district or area education  
12 19 agency that employs a beginning administrator shall recommend  
12 20 the beginning administrator for a ~~standard~~ professional  
12 21 administrator license, where appropriate, if the beginning  
12 22 administrator is determined through a comprehensive evaluation  
12 23 to demonstrate competence in the Iowa standards for school  
12 24 administrators adopted pursuant to section 256.7, subsection  
12 25 27. A school district or area education agency may allow a  
12 26 beginning administrator a second year to demonstrate competence  
12 27 in the Iowa standards for school administrators if, after  
12 28 conducting a comprehensive evaluation, the school district  
12 29 or area education agency determines that the administrator  
12 30 is likely to successfully demonstrate competence in the Iowa  
12 31 standards for school administrators by the end of the second  
12 32 year. Upon notification by the school district or area  
12 33 education agency, the board of educational examiners shall  
12 34 grant a beginning administrator who has been allowed a second  
12 35 year to demonstrate competence a one-year extension of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

13 1 beginning administrator's initial license. An administrator  
13 2 granted a second year to demonstrate competence shall undergo a  
13 3 comprehensive evaluation at the end of the second year.  
13 4 Sec. 25. Section 284A.6, subsection 2, Code 2009, is amended  
13 5 to read as follows:  
13 6 2. In cooperation with the administrator's evaluator, the  
13 7 administrator who has a ~~standard administrator's~~ professional  
13 8 administrator license issued by the board of educational  
13 9 examiners pursuant to chapter 272 and is employed by a  
13 10 school district or area education agency in a school  
13 11 district administrative position, shall develop an individual  
13 12 administrator professional development plan. The purpose  
13 13 of the plan is to promote individual and group professional  
13 14 development. The individual plan shall be based, at a minimum,  
13 15 on the needs of the administrator, the Iowa standards for  
13 16 school administrators adopted pursuant to section 256.7,  
13 17 subsection 27, and the student achievement goals of the  
13 18 attendance center and the school district as outlined in the  
13 19 comprehensive school improvement plan.  
13 20 Sec. 26. Section 284A.7, Code 2009, is amended to read as  
13 21 follows:  
13 22 284A.7 Evaluation requirements for administrators.  
13 23 A school district shall conduct an evaluation of  
13 24 an administrator who holds a ~~standard~~ professional  
13 25 administrator license issued under chapter 272 at least once  
13 26 every three years for purposes of assisting the administrator  
13 27 in making continuous improvement, documenting continued  
13 28 competence in the Iowa standards for school administrators  
13 29 adopted pursuant to section 256.7, subsection 27, or to  
13 30 determine whether the administrator's practice meets school  
13 31 district expectations. The review shall include, at a minimum,  
13 32 an assessment of the administrator's competence in meeting  
13 33 the Iowa standards for school administrators and the goals of  
13 34 the administrator's individual professional development plan,  
13 35 including supporting documentation or artifacts aligned to the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

14 1 Iowa standards for school administrators and the individual  
14 2 administrator's professional development plan.  
14 3 Sec. 27. Section 284A.8, Code Supplement 2009, is amended  
14 4 to read as follows:  
14 5 284A.8 Beginning administrator mentoring and induction  
14 6 program == program funds.  
14 7 1. To the extent moneys are available, a school district  
14 8 shall receive one thousand five hundred dollars per beginning  
14 9 administrator participating in the program. ~~If the funds~~  
~~14 10 appropriated for the program are insufficient to pay mentors~~  
~~14 11 and school districts as provided in this section, the~~  
~~14 12 department shall prorate the amount distributed to school~~  
~~14 13 districts based upon the amount appropriated.~~ Moneys received  
14 14 by a school district pursuant to this section shall be expended  
14 15 to provide each mentor with an award of five hundred dollars  
14 16 per semester, at a minimum, for participation in the school  
14 17 district's beginning administrator mentoring and induction  
14 18 program; to implement the plan; and to pay any applicable costs  
14 19 of the employer's share of contributions to federal social  
14 20 security and the Iowa public employees' retirement system or a  
14 21 pension and annuity retirement system established under chapter  
14 22 294, for such amounts paid by the district.  
14 23 2. If the funds appropriated for the program are  
14 24 insufficient to pay mentors and school districts as provided  
14 25 in this section, the department shall prorate the amount  
14 26 distributed to school districts based upon the amount  
14 27 appropriated. A school district shall give priority to fully  
14 28 funding the obligation to principal mentors. Remaining moneys,  
14 29 if any, shall first be used to fund superintendent mentors and  
14 30 then to fund other program costs and applicable costs described  
14 31 in subsection 1.  
14 32 Sec. 28. Section 285.9, Code 2009, is amended by adding the  
14 33 following new subsection:  
14 34 NEW SUBSECTION. 5. Review all transportation disputes  
14 35 between districts. If the affected districts are located in



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

15 1 more than one area education agency, the area education agency  
15 2 in which the affected district with the greatest certified  
15 3 enrollment is located shall be the reviewing agency. In  
15 4 resolving disputes between districts, the reviewing agency  
15 5 board shall, after receiving all facts, make such alterations  
15 6 or changes as necessary to make the arrangements, designations,  
15 7 and contracts conform to the legal and established requirements  
15 8 and shall notify each affected local school board of such  
15 9 action. An affected district may appeal the decision of the  
15 10 agency board to the director of the department of education by  
15 11 following the timelines and procedures in section 285.12.

15 12 Sec. 29. Section 291.1, Code 2009, is amended to read as  
15 13 follows:

15 14 291.1 President == duties.

15 15 The president of the board of directors shall preside at  
15 16 all of its meetings, sign all contracts made by the board,  
15 17 and appear ~~in~~ on behalf of the corporation in all actions  
15 18 brought by or against it, unless individually a party, in  
15 19 which case this duty shall be performed by the secretary.

15 20 The president or the president's designee shall sign, using  
15 21 an original or facsimile signature, all school district  
15 22 warrants payments drawn and authorize electronic funds  
15 23 transfers as provided by law. The board of directors, by  
15 24 resolution, may designate an individual, who shall not be the  
15 25 secretary, to sign warrants payments or authorize electronic  
15 26 funds transfers on behalf of the president.

15 27 Sec. 30. Section 291.6, subsection 3, Code 2009, is amended  
15 28 by striking the subsection and inserting in lieu thereof the  
15 29 following:

15 30 3. Accounting records. Keep an accurate accounting record  
15 31 of each payment or electronic funds transfer from each fund  
15 32 which shall be provided monthly to the board of directors. The  
15 33 secretary of the creditor district shall prepare and deliver to  
15 34 debtor districts an itemized statement of tuition fees charged  
15 35 in accordance with sections 275.55A and 282.11, and section



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

16 1 282.24, subsection 1.  
16 2 Sec. 31. Section 291.6, subsection 4, Code 2009, is amended  
16 3 to read as follows:  
16 4 4. Claims. Keep an accurate ~~account~~ accounting of all  
16 5 expenses incurred by the corporation, and present the same to  
16 6 the board for audit and payment.  
16 7 Sec. 32. Section 291.7, Code 2009, is amended to read as  
16 8 follows:  
16 9 291.7 Monthly receipts, disbursements, and balances.  
16 10 The secretary of each district shall file monthly with  
16 11 the board of directors a complete statement of all receipts  
16 12 and disbursements from ~~the various funds~~ each individual  
16 13 fund during the preceding month, and also the balance remaining  
16 14 on hand in ~~the various funds~~ each individual fund at the  
16 15 close of the period covered by the statement, which monthly  
16 16 statements shall be open to public inspection.  
16 17 Sec. 33. Section 291.8, Code 2009, is amended by striking  
16 18 the section and inserting in lieu thereof the following:  
16 19 291.8 Payments.  
16 20 The secretary shall make each authorized payment,  
16 21 countersign using an original or facsimile signature, and  
16 22 maintain accounting records of the payments or electronic funds  
16 23 transfers, showing the number, date, payee, originating fund,  
16 24 the purpose, and the amount, and shall provide to the board at  
16 25 each regular annual meeting a copy of the accounting records  
16 26 maintained by the secretary.  
16 27 Sec. 34. Section 291.12, Code 2009, is amended to read as  
16 28 follows:  
16 29 291.12 Duties of treasurer == ~~payment of warrants~~ payments.  
16 30 The treasurer shall receive all moneys belonging to the  
16 31 corporation, pay the same out only upon the order of the  
16 32 president countersigned by the secretary, ~~keeping~~ and shall  
16 33 keep an accurate ~~account~~ accounting record of all receipts  
16 34 and expenditures ~~in a book provided for that purpose~~. The  
16 35 treasurer shall register all ~~orders drawn~~ payments and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

17 1 electronic funds transfers made and reported to the treasurer  
17 2 by the secretary, showing the number, date, to whom drawn, the  
17 3 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,  
17 4 the purpose and amount.  
17 5 Sec. 35. Section 291.14, Code 2009, is amended to read as  
17 6 follows:  
17 7 291.14 Financial statement.  
17 8 The treasurer shall render a statement of the finances of the  
17 9 corporation whenever required by the board, and the treasurer's  
17 10 ~~books~~ accounting records shall always be open for inspection.  
17 11 Sec. 36. Section 298A.13, Code 2009, is amended to read as  
17 12 follows:  
17 13 298A.13 Trust, permanent, or agency funds.  
17 14 Trust, permanent, or agency funds shall be established by  
17 15 any school corporation to account for gifts it receives to  
17 16 be used for a particular purpose or to account for money and  
17 17 property received and administered by the district as trustee  
17 18 or custodian or in the capacity of an agent. Boards may  
17 19 establish trust ~~and, permanent, or~~ agency funds as necessary.  
17 20 Sec. 37. Section 299A.11, Code 2009, is amended to read as  
17 21 follows:  
17 22 299A.11 Student records confidential.  
17 23 Notwithstanding any provision of law or rule to the  
17 24 contrary, personal information in records regarding a child  
17 25 receiving competent private instruction pursuant to this  
17 26 chapter, which are maintained, created, collected, or assembled  
17 27 by or for a state agency, shall be kept confidential in  
17 28 the same manner as personal information in student records  
17 29 maintained, created, collected, or assembled by or for a school  
17 30 corporation or educational institution in accordance with  
17 31 section 22.7, subsection 1. For purposes of this section,  
17 32 "personal information in records regarding a child receiving  
17 33 competent private instruction" shall include the child's  
17 34 name and home address as well as all other information that  
17 35 personally identifies the child.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

18 1 Sec. 38. Section 321.1, subsection 69, unnumbered paragraph  
18 2 1, Code Supplement 2009, is amended to read as follows:  
18 3 "School bus" means every vehicle operated for the  
18 4 transportation of children to or from school or school  
18 5 activities, except vehicles which are:

18 6 Sec. 39. Section 321.1, subsection 69, paragraph d, Code  
18 7 Supplement 2009, is amended to read as follows:

18 8 d. Designed to carry not more than nine persons as  
18 9 passengers, either school owned or privately owned, which  
18 10 ~~are used to transport pupils to activity events in which the~~  
~~18 11 pupils are participants or used to transport pupils to their~~  
18 12 homes in case of illness or other emergency situations. The  
18 13 vehicles operated under the provisions of this paragraph  
18 14 shall be operated by employees of the school district who are  
18 15 specifically approved by the local superintendent of schools  
18 16 for the assignment.

18 17 Sec. 40. Section 321.373, subsection 1, Code 2009, is  
18 18 amended to read as follows:

18 19 1. Every school bus ~~except private passenger vehicles~~  
~~18 20 used as school buses as defined in section 321.1, subsection~~  
18 21 69, shall be constructed and equipped to meet safety standards  
18 22 prescribed in rules adopted by the state board of education.  
18 23 Such rules shall conform to safety standards set forth in  
18 24 federal laws and regulations and shall conform, insofar  
18 25 as practicable, to the minimum standards for school buses  
18 26 recommended by the national conference on school transportation  
18 27 administered by the national commission on safety education and  
18 28 published by the national education association.

18 29 Sec. 41. Section 321.376, Code Supplement 2009, is amended  
18 30 by adding the following new subsection:

18 31 NEW SUBSECTION. 3. The provisions of this section relating  
18 32 to a certificate of qualification and approved course of  
18 33 instruction shall not apply to a person driving a vehicle  
18 34 designed to carry not more than nine persons as passengers,  
18 35 either school owned or privately owned, used to transport



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2492 - Introduced continued

19 1 pupils to school activities or events.

19 2 Sec. 42. Section 321.379, Code 2009, is amended to read as  
19 3 follows:

19 4 321.379 Violations.

19 5 No school board, individual, or organization shall purchase,  
19 6 construct, or contract for use, to transport pupils to or  
19 7 from school or school activities, any school bus which does  
19 8 not comply with the minimum requirements of section 321.373  
19 9 and any individual, or any member or officer of such board or  
19 10 organization who authorizes, the purchase, construction, or  
19 11 contract for any such bus not complying with these minimum  
19 12 requirements shall be guilty of a misdemeanor punishable as  
19 13 provided in section 321.482.

19 14 Sec. 43. Section 321J.3, subsection 1, paragraph c, Code  
19 15 2009, is amended to read as follows:

19 16 c. The court may prescribe the length of time for the  
19 17 evaluation and treatment or it may request that the community  
19 18 college or other approved provider conducting the course  
19 19 for drinking drivers which the person is ordered to attend  
19 20 or the treatment program to which the person is committed  
19 21 immediately report to the court when the person has received  
19 22 maximum benefit from the course for drinking drivers or  
19 23 treatment program or has recovered from the person's addiction,  
19 24 dependency, or tendency to chronically abuse alcohol or drugs.

19 25 Sec. 44. Section 321J.17, subsection 2, paragraph b, Code  
19 26 2009, is amended to read as follows:

19 27 b. The court or department may request that the community  
19 28 college or substance abuse treatment providers licensed under  
19 29 chapter 125 or other approved provider conducting the course  
19 30 for drinking drivers that the person is ordered to attend  
19 31 immediately report to the court or department that the person  
19 32 has successfully completed the course for drinking drivers.  
19 33 The court or department may request that the treatment program  
19 34 which the person attends periodically report on the defendant's  
19 35 attendance and participation in the program, as well as the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

20 1 status of treatment or rehabilitation.

20 2 Sec. 45. Section 321J.22, subsection 1, Code 2009, is

20 3 amended by adding the following new paragraph:

20 4 NEW PARAGRAPH. Oa. "Approved provider" means a provider of  
20 5 a course offered outside this state for drinking drivers which  
20 6 has been approved by the department of education.

20 7 Sec. 46. Section 321J.22, subsection 2, Code 2009, is

20 8 amended by adding the following new paragraph:

20 9 NEW PARAGRAPH. Od. The department of education may approve  
20 10 a provider of a course offered outside this state for drinking  
20 11 drivers upon proof to the department's satisfaction that the  
20 12 course is comparable to those offered by community colleges,  
20 13 substance abuse treatment programs licensed under chapter 125,  
20 14 and state correctional facilities as provided in this section.  
20 15 The department shall comply with the requirements of subsection  
20 16 5 regarding such approved providers.

20 17 Sec. 47. Section 331.756, subsection 7, Code 2009, is

20 18 amended to read as follows:

20 19 7. Give advice or a written opinion, without compensation,

20 20 to the board and other county officers and to ~~school~~

~~20 21 and~~ township officers, when requested by an officer, upon

20 22 any matters in which the state, county, ~~school~~, or township

20 23 is interested, or relating to the duty of the officer in any

20 24 matters in which the state, county, ~~school~~, or township may

20 25 have an interest, but the county attorney shall not appear

20 26 before the board at a hearing in which the state or county is

20 27 not interested.

20 28 Sec. 48. Section 331.756, subsection 54, Code 2009, is

20 29 amended by striking the subsection.

20 30 Sec. 49. REPEAL. Sections 256.20 and 256.23, Code 2009,

20 31 are repealed.

20 32 Sec. 50. STATE MANDATE FUNDING SPECIFIED. In accordance

20 33 with section 25B.2, subsection 3, the state cost of requiring

20 34 compliance with any state mandate included in this Act shall

20 35 be paid by a school district from state school foundation aid



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

21 1 received by the school district under section 257.16. This  
21 2 specification of the payment of the state cost shall be deemed  
21 3 to meet all of the state funding-related requirements of  
21 4 section 25B.2, subsection 3, and no additional state funding  
21 5 shall be necessary for the full implementation of this Act  
21 6 by and enforcement of this Act against all affected school  
21 7 districts.

21 8 EXPLANATION

21 9 This bill makes miscellaneous changes to Code provisions  
21 10 relating to education as follows:

21 11 CONFIDENTIAL RECORDS. Code section 22.7, subsection 1, is  
21 12 amended to establish that the provision does not prohibit a  
21 13 school corporation or educational institution from transferring  
21 14 student records electronically to other school corporations or  
21 15 educational institutions in accordance with the department of  
21 16 education's comprehensive management information system and  
21 17 uniform coding and reporting system.

21 18 Code section 299A.11 is amended to provide that "personal  
21 19 information in records regarding a child receiving competent  
21 20 private instruction" includes the child's name and home  
21 21 address, and any other information that personally identifies  
21 22 the child.

21 23 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section  
21 24 256.5A is amended to increase the term of the nonvoting student  
21 25 member of the state board of education from one year to two  
21 26 years, and provides that the student must be enrolled in grade  
21 27 10 when applying for the appointment. Currently, a student may  
21 28 be enrolled in grade 10 or 11 at the time the student applies.

21 29 SCHOOL LAW PRINTING REQUIREMENT. Code section 256.9,  
21 30 subsections 25 and 26, are stricken. The provisions require  
21 31 the director of the department of education to cause to  
21 32 be printed in book form, every four years since 1987, all  
21 33 school laws, and changes to school laws, with forms, rulings,  
21 34 decisions, notes, and suggestions which may aid school officers  
21 35 in the proper discharge of their duties. The book must be



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

22 1 furnished to school and area officers and administrators,  
22 2 members of the general assembly, and others as reasonably  
22 3 requested.

22 4 EMPLOYMENT PRACTICES. Code section 256.10, subsection 2, is  
22 5 amended by striking a provision that prohibits the dismissal  
22 6 of a member of the professional staff for cause without  
22 7 appropriate due process procedures, but adds that the person  
22 8 must not be dismissed without an opportunity to meet with the  
22 9 director of education. The bill also adds that appointments  
22 10 to the professional staff must be made in accordance with Code  
22 11 section 216.6, subsection 1, which prohibits discriminatory  
22 12 employment practices. Code sections 19B.11 and 280.3 are  
22 13 amended to conform them to Code section 216.6.

22 14 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30  
22 15 provides for the distribution and administration of moneys  
22 16 in excess of federal moneys to pay the expense of educating  
22 17 American Indian children residing in the Sac and Fox Indian  
22 18 settlement. The bill eliminates language that requires the  
22 19 tribal council to submit an annual report to the department of  
22 20 education accounting for expenditure of the moneys and requires  
22 21 the department of education to certify compliance before the  
22 22 department of management can approve allotment of the moneys.

22 23 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section  
22 24 257.6 is amended to specify that accredited nonpublic school  
22 25 pupils receiving classes or services funded by federal grants  
22 26 or allocations shall not be counted in a school district's  
22 27 enrollment as shared-time or part-time pupils. The bill makes  
22 28 a conforming change to Code section 257.37, subsection 4.

22 29 SCHOOL BUDGET REVIEW COMMITTEE INTERNET SITE INFORMATION.  
22 30 Code section 257.31, subsection 2, is amended to eliminate a  
22 31 requirement that the school budget review committee specify on  
22 32 its internet site annually the reasons for its recommendations,  
22 33 and instead require that it specify a summary of decisions.  
22 34 The reference to recommendations was tied to a requirement that  
22 35 the committee report to the general assembly any recommended



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

23 1 changes in laws relating to school districts, but that  
23 2 requirement was stricken by legislation enacted in 2009.  
23 3 ACTION AGAINST DEBTOR. Code section 257B.33 is amended and  
23 4 Code section 331.756(54) is stricken to eliminate a provision  
23 5 requiring the county attorney to commence legal proceedings to  
23 6 recover school funds and instead allow the school district to  
23 7 bring action to recover debt.  
23 8 DISTRICT=TO=COMMUNITY COLLEGE SHARING OR CONCURRENT  
23 9 ENROLLMENT PROGRAM == TRANSPORTATION. Code section 261E.8,  
23 10 which provides for the district=to=community college sharing  
23 11 or concurrent enrollment program, is amended to strike a  
23 12 requirement that the parent or legal guardian of a student who  
23 13 has enrolled in and is attending a community college under  
23 14 the program furnish transportation to and from the community  
23 15 college for the student.  
23 16 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23 are  
23 17 amended to extend the dates by which area education agency  
23 18 proposed budgets must be reviewed, approved, or returned by the  
23 19 state board and resubmitted to the state board if the first  
23 20 submission is not approved.  
23 21 BEGINNING ADMINISTRATOR MENTORING PROGRAM. Code sections  
23 22 284A.2, subsection 2; 284A.5, subsections 3 and 5; 284A.6,  
23 23 subsection 2; 284A.7 and 284A.8 are amended to broaden the  
23 24 definition of beginning administrator to include those who  
23 25 hold a professional administrator license, and to change  
23 26 references to the standard administrator license to the  
23 27 professional administrator license. If funds are insufficient,  
23 28 the bill gives priority to fully fund principal mentors, then  
23 29 superintendent mentors, then the remaining program costs.  
23 30 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section  
23 31 279.30 is amended to allow the board of directors of a  
23 32 school district or of an AEA to direct deposit a payment at a  
23 33 financial institution specified by the person entitled to the  
23 34 money. Code section 291.1; Code section 291.6, subsections  
23 35 3 and 4; and Code sections 291.7, 291.8, 291.12, and 291.14



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2492 - Introduced continued

24 1 are amended to replace references to "books", "registers",  
24 2 and "warrants" with references to payments, electronic funds  
24 3 transfers, and accounting records and to make related changes.  
24 4 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are  
24 5 amended to give school districts the option of establishing a  
24 6 permanent fund for gifts received and to allow school districts  
24 7 to deposit funds received from gifts, devises, and bequests  
24 8 into a trust, permanent, or agency fund.  
24 9 CODE CORRECTIONS. The bill makes corrections to Code  
24 10 section 256.9 to change references to model end-of-course  
24 11 assessments and to Code section 259A.1 to change references to  
24 12 subjects covered by high school equivalency diploma tests.  
24 13 ENROLLMENT OF PERSON LISTED ON SEX OFFENDER REGISTRY.  
24 14 Code section 282.9, subsection 1, is amended to notwithstanding  
24 15 Code chapter 282, relating to school attendance and tuition,  
24 16 rather than notwithstanding only Code section 282.18, the  
24 17 Code section relating to open enrollment. The language of  
24 18 Code section 282.9, subsection 1, provides that prior to  
24 19 knowingly enrolling a student who is required to register as  
24 20 a sex offender, the school district's board of directors must  
24 21 determine the educational placement of the individual and place  
24 22 notice of that consideration on the board's tentative meeting  
24 23 agenda. If the board denies enrollment to the individual, the  
24 24 school district of residence must provide the individual with  
24 25 educational services in an alternative setting.  
24 26 OPEN ENROLLMENT BY SIBLING. Code section 282.18, subsection  
24 27 4, is amended to require that a receiving district approve  
24 28 a transfer request submitted after March 1 of the preceding  
24 29 school year if the sibling of the pupil for whom the request  
24 30 is made is already participating in open enrollment to the  
24 31 receiving district. The bill makes a conforming change to Code  
24 32 section 282.18, subsection 5.  
24 33 EVALUATOR TRAINING PROGRAM. Code section 284.10, subsection  
24 34 2, is amended to give program enrollment preference to other  
24 35 practitioners who are not beginning teachers. Currently, only



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

25 1 school administrators are given preference.  
25 2       AEA TRANSPORTATION DISPUTE RESOLUTION. The bill adds a new  
25 3 provision to Code section 285.9 to assign the duty of reviewing  
25 4 and resolving all transportation disputes between districts to  
25 5 the AEA boards.  
25 6       SCHOOL BUS == DEFINITION. Code section 321.1, subsection  
25 7 69, is amended to strike from an exemption to the definition  
25 8 of "school bus", language that includes a vehicle operated for  
25 9 the transportation of children to or from school activities.  
25 10 Currently, the definition is limited to transportation of  
25 11 children to or from school. The bill makes a conforming  
25 12 amendment to Code section 321.373 to provide that every  
25 13 school bus, including those used to transport students to  
25 14 school activities, must be constructed and equipped to meet  
25 15 specified safety standards. However, the bill amends Code  
25 16 section 321.376 to provide that certificate of qualification  
25 17 and approved course of instruction requirements do not apply  
25 18 to persons driving pupils to activities in nine-passenger  
25 19 vehicles.  
25 20       APPROVED COURSES FOR DRINKING DRIVERS. Code sections 321J.3  
25 21 and 321J.17 are amended to expand the providers of drinking  
25 22 driver courses supervised and approved by the department of  
25 23 education to include "other approved providers", which the  
25 24 bill defines in Code section 321J.22, as providers of courses  
25 25 offered out of state. The providers of out-of-state courses  
25 26 must prove to the department's satisfaction that the course is  
25 27 comparable to those offered by community colleges and substance  
25 28 abuse treatment programs. The bill establishes that other  
25 29 approved providers may be requested to meet the same reporting  
25 30 requirements as the community colleges and substance abuse  
25 31 treatment programs.  
25 32       DUTIES OF THE COUNTY ATTORNEY. The bill amends Code section  
25 33 331.756, subsection 7, which specifies the duties of county  
25 34 attorneys, to eliminate a requirement that county attorneys  
25 35 give advice or a written opinion to school officers upon



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2492 - Introduced continued

26 1 request.

26 2 CODE SECTIONS REPEALED. The bill repeals the following:

26 3 1. Code section 256.20, which permits school districts to  
26 4 request approval from the state board of education for a pilot  
26 5 project for a year-around three-semester school year.

26 6 2. Code section 256.23, which establishes a recruitment and  
26 7 advancement program to provide for the allocation of grants  
26 8 to school corporations for pilot projects that encourage  
26 9 the advancement of women and minorities to administrative  
26 10 positions.

26 11 STATE MANDATE. The bill may include a state mandate as  
26 12 defined in Code section 25B.3. The bill requires that the  
26 13 state cost of any state mandate included in the bill be  
26 14 paid by a school district from state school foundation aid  
26 15 received by the school district under Code section 257.16. The  
26 16 specification is deemed to constitute state compliance with  
26 17 any state mandate funding-related requirements of Code section  
26 18 25B.2. The inclusion of this specification is intended to  
26 19 reinstate the requirement of political subdivisions to comply  
26 20 with any state mandates included in the bill.

LSB 5391HV (3) 83

kh/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2493 - Introduced**

HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 713)

**A BILL FOR**

- 1 An Act concerning live dog racing at pari-mutuel dog
- 2 racetracks, and including effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5786HV (2) 83  
ec/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2493 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 99D.9A Exemption from live racing.  
1 2 A licensee authorized to operate a pari-mutuel dog racetrack  
1 3 and to conduct gambling games pursuant to section 99F.6 as  
1 4 of January 1, 2010, may, upon written notification to the  
1 5 commission, discontinue scheduling performances of live dog  
1 6 races at the racetrack and maintain a license under this  
1 7 chapter for purposes of permitting pari-mutuel wagering on  
1 8 simultaneously telecast dog races.  
1 9 Sec. 2. Section 99D.11, subsection 6, paragraph b, Code  
1 10 Supplement 2009, is amended to read as follows:  
1 11 b. (1) The commission may authorize the licensee to  
1 12 simultaneously telecast within the racetrack enclosure, for  
1 13 the purpose of pari-mutuel wagering, a horse or dog race  
1 14 licensed by the racing authority of another state. It is  
1 15 the responsibility of each licensee to obtain the consent of  
1 16 appropriate racing officials in other states as required by  
1 17 the federal Interstate Horseracing Act of 1978, 15 U.S.C.  
1 18 { 3001=3007, to televise races for the purpose of conducting  
1 19 pari-mutuel wagering.  
1 20 (2) A licensee may also obtain the permission of a person  
1 21 licensed by the commission to conduct horse or dog races  
1 22 in this state to televise races conducted by that person  
1 23 for the purpose of conducting pari-mutuel racing. However,  
1 24 arrangements made by a licensee to televise any race for  
1 25 the purpose of conducting pari-mutuel wagering are subject  
1 26 to the approval of the commission, and the commission shall  
1 27 select the races to be televised. The races selected by the  
1 28 commission shall be the same for all licensees approved by the  
1 29 commission to televise races for the purpose of conducting  
1 30 pari-mutuel wagering. The commission shall not authorize the  
1 31 simultaneous telecast or televising of and a licensee shall  
1 32 not simultaneously telecast or televise any horse or dog race  
1 33 for the purpose of conducting pari-mutuel wagering unless the  
1 34 simultaneous telecast or televising is done at the racetrack  
1 35 of a licensee that schedules no less than sixty performances



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2493 - Introduced continued

2 1 of nine live races each day of the season or that is exempt  
2 2 from scheduling performances of live races pursuant to section  
2 3 99D.9A.

2 4 (3) For purposes of the taxes imposed under this chapter,  
2 5 races televised by a licensee for purposes of pari-mutuel  
2 6 wagering shall be treated as if the races were held at the  
2 7 racetrack of the licensee. Notwithstanding any contrary  
2 8 provision in this chapter, the commission may allow a licensee  
2 9 to adopt the same deductions as those of the pari-mutuel  
2 10 racetrack from which the races are being simultaneously  
2 11 telecast.

2 12 Sec. 3. Section 99F.6, subsection 4, paragraph b, Code 2009,  
2 13 is amended to read as follows:

2 14 b. The commission shall authorize the licensees of  
2 15 pari-mutuel dog racetracks located in Dubuque county and Black  
2 16 Hawk county to conduct gambling games as provided in section  
2 17 99F.4A if the licensees schedule at least one hundred thirty  
2 18 performances of twelve live races each day during a season of  
2 19 twenty-five weeks. For the pari-mutuel dog racetrack located  
2 20 in Pottawattamie county, the commission shall authorize the  
2 21 licensee to conduct gambling games as provided in section  
2 22 99F.4A if the licensee schedules at least two hundred ninety  
2 23 performances of twelve live races each day during a season of  
2 24 fifty weeks. The commission shall approve an annual contract  
2 25 to be negotiated between the annual recipient of the dog racing  
2 26 promotion fund and each dog racetrack licensee to specify the  
2 27 percentage or amount of gambling game proceeds which shall be  
2 28 dedicated to supplement the purses of live dog races. The  
2 29 parties shall agree to a negotiation timetable to insure no  
2 30 interruption of business activity. If the parties fail to  
2 31 agree, the commission shall impose a timetable. If the two  
2 32 parties cannot reach agreement, each party shall select a  
2 33 representative and the two representatives shall select a  
2 34 third person to assist in negotiating an agreement. The two  
2 35 representatives may select the commission or one of its members



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2493 - Introduced continued

3 1 to serve as the third party. Alternately, each party shall  
3 2 submit the name of the proposed third person to the commission  
3 3 who shall then select one of the two persons to serve as  
3 4 the third party. All parties to the negotiations, including  
3 5 the commission, shall consider that the dog racetracks were  
3 6 built to facilitate the development and promotion of Iowa  
3 7 greyhound racing dogs in this state and shall negotiate and  
3 8 decide accordingly. However, the requirement to conduct  
3 9 performances of live races for purposes of conducting gambling  
3 10 games under this chapter shall not apply to a licensee exempt  
3 11 from scheduling performances of live races pursuant to section  
3 12 99D.9A.

3 13 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 14 immediate importance, takes effect upon enactment.

3 15 EXPLANATION

3 16 This bill concerns the conduct of live dog racing at  
3 17 pari-mutuel dog racetracks authorized to conduct gambling  
3 18 games.

3 19 New Code section 99D.9A allows a licensee authorized to  
3 20 operate a pari-mutuel dog racetrack and to conduct gambling  
3 21 games as of January 1, 2010, to discontinue scheduling  
3 22 performances of live dog races, and to maintain a license  
3 23 under Code chapter 99D for purposes of permitting pari-mutuel  
3 24 wagering on simultaneously telecast dog races.

3 25 Code section 99D.11(6)(b), concerning pari-mutuel wagering  
3 26 on simultaneous telecasts of horse or dog races, is amended  
3 27 to allow a simultaneous telecast of dog races at a licensee  
3 28 in this state that is exempt from scheduling live dog races  
3 29 pursuant to new Code section 99D.9A. Under current law,  
3 30 simulcast telecasting of races can only be allowed at a  
3 31 racetrack of a licensee that schedules no less than 60  
3 32 performances of nine live races each day of the season.

3 33 Code section 99F.6(4)(b) is amended to allow the conduct of  
3 34 gambling games at a pari-mutuel dog racetrack that is exempt  
3 35 from scheduling performances of live races pursuant to new Code



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2493 - Introduced continued

- 4 1 section 99D.9A.
- 4 2 This bill takes effect upon enactment.  
LSB 5786HV (2) 83  
ec/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2494 - Introduced**

HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 229)  
(SUCCESSOR TO HF 781)

**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:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2494 - Introduced continued

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2494 - Introduced continued

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2494 - Introduced continued

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



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2494 - Introduced continued

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2494 - Introduced continued

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2494 - Introduced continued

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





**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2494 - Introduced continued

8 1 enacting Code section 148F.8, both prohibiting the practice of  
8 2 midwifery without a license, take effect July 1, 2011.  
LSB 2311HZ (3) 83  
jr/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2495 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2126)

**A BILL FOR**

1 An Act specifying those authorized to solemnize marriages in  
2 this state, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5954HV (2) 83  
pf/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2495 - Introduced continued

PAG LIN

1 1 Section 1. Section 595.10, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. A ~~judge of the supreme court~~ justice, court of appeals  
1 4 judge, or district court judge, including a district associate  
1 5 judge, associate juvenile judge, or a judicial magistrate,  
1 6 and including a senior judge as defined in section 602.9202,  
1 7 subsection 3, or a retired supreme court justice, a retired  
1 8 court of appeals judge, a retired district court judge, or a  
1 9 retired judicial magistrate.

1 10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
1 11 immediate importance, takes effect upon enactment.

1 12 EXPLANATION

1 13 This bill authorizes, in addition to those judges already  
1 14 authorized to solemnize marriages, retired supreme court  
1 15 justices, retired court of appeals judges, retired district  
1 16 court judges, and retired judicial magistrates to solemnize  
1 17 marriages in this state. The bill takes effect upon enactment.

LSB 5954HV (2) 83

pf/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2496 - Introduced**

HOUSE FILE  
BY COMMITTEE ON  
ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 661)

**A BILL FOR**

- 1 An Act relating to recycling initiatives.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5871HV (2) 83  
tm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2496 - Introduced continued

PAG LIN

1 1 Section 1. GREEN CERTIFICATION PROGRAM AND GREEN ADVISORY  
1 2 COMMITTEE == PURPOSE.  
1 3 1. The purpose for the creation of the green advisory  
1 4 committee and the green certification program pursuant to this  
1 5 Act is to enhance efforts to promote environmental stewardship  
1 6 by encouraging responsible environmental management and  
1 7 recycling.  
1 8 2. The general assembly finds and declares all of the  
1 9 following:  
1 10 a. The green advisory committee is urged to further  
1 11 the policy of responsible environmental management by  
1 12 encouraging recycling projects that operate in an innovative,  
1 13 cost-effective, technologically advanced, and environmentally  
1 14 sensitive manner.  
1 15 b. The concept of environmental stewardship embraces every  
1 16 aspect of the environmental footprint left by the creation and  
1 17 use of disposable goods and every effort should be made to  
1 18 recycle and reuse such goods in an environmentally responsible  
1 19 way.  
1 20 c. Managing recycling can help to mitigate the climate  
1 21 change impacts by reducing the amount of greenhouse gases  
1 22 released into the atmosphere and improving water quality.  
1 23 d. The goal of managing resources in a sustainable manner  
1 24 is to increase the benefits to communities and society for the  
1 25 present and for the future.  
1 26 Sec. 2. NEW SECTION. 455D.51 Green advisory committee.  
1 27 1. a. A green advisory committee is established. The  
1 28 department shall provide staffing for the advisory committee.  
1 29 The advisory committee shall do all of the following:  
1 30 (1) By January 1, 2011, submit a report to the general  
1 31 assembly which shall include recommendations for creating,  
1 32 administering, funding, and periodically reviewing a green  
1 33 certification program as provided for in a report submitted by  
1 34 the comprehensive recycling planning task force pursuant to  
1 35 2008 Iowa Acts, chapter 1109, section 11, as amended by 2009



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2496 - Introduced continued

2 1 Iowa Acts, chapter 149, sections 1 through 3. As used in this  
2 2 section, "green certification" means certification granted to a  
2 3 business that meets certain minimum requirements or standards  
2 4 in waste reduction, reuse, and recycling.

2 5 (2) Make recommendations to the department for the  
2 6 development and implementation of a recycling vendor  
2 7 and resource green list to be available statewide that  
2 8 identifies reliable vendors, contacts, and resources who meet  
2 9 predetermined standards for recycling services.

2 10 (3) Make recommendations to the department for the  
2 11 development and implementation of an ongoing, statewide  
2 12 communication and outreach educational resource program for  
2 13 all sectors of recycling. The program shall educate consumers  
2 14 regarding currently available programs, promote the usage of  
2 15 recycling programs and initiatives, and educate and market  
2 16 programs in development. The communication and outreach  
2 17 educational program may include a recycling internet site that  
2 18 serves as the central recycling resource.

2 19 b. The advisory committee shall consist of the following  
2 20 voting members:

2 21 (1) Three members nominated by the Iowa recycling  
2 22 association. One member shall have expertise in the recycling  
2 23 of paper and cardboard, one member shall have expertise in  
2 24 the recycling of plastic and glass, and one member shall have  
2 25 expertise in the recycling of metals that are not located in or  
2 26 that are not from a scrapyards.

2 27 (2) One member nominated by the Iowa society of solid waste  
2 28 operations.

2 29 (3) Three members nominated by the Iowa society of solid  
2 30 waste operations representing solid waste planning areas of  
2 31 various sizes and from various locations across the state.

2 32 (4) One member nominated by the Iowa league of cities.

2 33 (5) One member nominated by the solid waste association  
2 34 of north America representing private solid waste disposal  
2 35 entities. The member shall have expertise in the hauling of



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2496 - Introduced continued

- 3 1 solid waste.
- 3 2 (6) The director of the department of natural resources, or
- 3 3 the director's designee.
- 3 4 (7) One member nominated by the Iowa environmental council.
- 3 5 (8) One member nominated by the league of women voters of
- 3 6 Iowa.
- 3 7 (9) One member nominated by the Iowa wholesale beer
- 3 8 distributors association.
- 3 9 (10) One member nominated by the Iowa beverage association
- 3 10 representing juice and soft drink distributors.
- 3 11 (11) One member nominated by the Iowa bottle bill coalition
- 3 12 representing independent redemption centers.
- 3 13 (12) One member nominated by the Iowa state association of
- 3 14 counties.
- 3 15 (13) One member nominated by the Iowa farm bureau
- 3 16 federation.
- 3 17 (14) One member nominated by the Iowa association of
- 3 18 business and industry.
- 3 19 (15) One member nominated by the home builders association
- 3 20 of Iowa.
- 3 21 (16) The director of the alcoholic beverages division of the
- 3 22 department of commerce, or the director's designee.
- 3 23 (17) One member nominated by keep Iowa beautiful.
- 3 24 (18) One member nominated by the Iowa grocery industry
- 3 25 association.
- 3 26 (19) One member nominated by the Iowa dairy foods
- 3 27 association.
- 3 28 (20) One member nominated by the petroleum marketers and
- 3 29 convenience stores of Iowa.
- 3 30 (21) One member nominated by the Iowa retail federation.
- 3 31 (22) One member nominated by the Iowa wine growers
- 3 32 association.
- 3 33 (23) The director of transportation, or the director's
- 3 34 designee.
- 3 35 (24) One member nominated by the Iowa division of the Izaak



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2496 - Introduced continued

4 1 Walton league.  
4 2 (25) One member nominated by the American chemistry  
4 3 council.  
4 4 (26) One member nominated by the Iowa chapter of the sierra  
4 5 club.  
4 6 (27) One member representing the brewer industry who is a  
4 7 member of the beer institute and who sells beer in Iowa and  
4 8 surrounding states.  
4 9 c. The voting members shall be appointed by the governor  
4 10 in compliance with the requirements of sections 69.16, 69.16A,  
4 11 and 69.19. The terms of the members appointed by the governor  
4 12 shall be staggered at the discretion of the governor.  
4 13 d. The advisory committee shall annually elect a  
4 14 chairperson. A majority of the members of the advisory  
4 15 committee shall constitute a quorum.  
4 16 2. The department shall collaborate with the green  
4 17 advisory committee and other organizations in pursuing the  
4 18 recommendations made by the committee pursuant to this section.  
4 19 The department may contract with a third-party vendor to  
4 20 perform the requirements of this section and may use moneys  
4 21 in the solid waste account of the groundwater protection fund  
4 22 which has been allocated to fund alternatives to landfills  
4 23 pursuant to section 455E.11, subsection 2, paragraph "a".

4 24 EXPLANATION

4 25 This bill relates to recycling initiatives.  
4 26 The bill establishes a green advisory committee. The bill  
4 27 requires the advisory committee to submit a report to the  
4 28 general assembly by January 1, 2011, with recommendations for  
4 29 the creation of a green certification program as provided  
4 30 for in a report by the comprehensive recycling planning  
4 31 task force. The advisory committee is also required to  
4 32 make recommendations to the department of natural resources  
4 33 regarding the development and implementation of a recycling  
4 34 vendor and resource green list and regarding the development  
4 35 and implementation of an ongoing, statewide communication



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2496 - Introduced continued

5 1 and outreach educational resource program for all recycling  
5 2 sectors.  
5 3 The bill requires the department to collaborate with the  
5 4 green advisory committee and other organizations in pursuing  
5 5 the recommendations made by the advisory committee. The  
5 6 department may contract with a third-party vendor to perform  
5 7 the requirements of the bill and may use certain moneys in the  
5 8 solid waste account of the groundwater protection fund.

LSB 5871HV (2) 83

tm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2497 - Introduced**

HOUSE FILE  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 624)

**A BILL FOR**

1 An Act relating to special education rights and duties and  
2 to the related duties and operations of the department of  
3 education and local school boards.

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

TL5B 5412HV (2) 83

kh/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2497 - Introduced continued

PAG LIN

1 1 Section 1. Section 256B.2, subsection 1, paragraph a, Code  
1 2 Supplement 2009, is amended to read as follows:

1 3 a. "Children requiring special education" means persons under  
1 4 twenty-one years of age, including children under five years of  
1 5 age, who have a disability in obtaining an education because  
1 6 of a head injury, autism, behavioral disorder, or physical,  
1 7 mental, communication, or learning disability, as defined by  
1 8 the rules of the department of education. If a child requiring  
1 9 special education reaches the age of twenty-one during an  
1 10 academic year, the child may elect to receive special education  
1 11 services until the end of the academic year.

1 12 Sec. 2. Section 256B.3, Code 2009, is amended by adding the  
1 13 following new subsection:

1 14 NEW SUBSECTION. 14A. To submit copies of all reports the  
1 15 division provides to the United States department of education  
1 16 under part B of the federal Individuals with Disabilities  
1 17 Education Act, as amended, including but not limited to any  
1 18 report concerning disproportionate representation in special  
1 19 education based on race or ethnicity, to the general assembly  
1 20 on the date each such report is provided to the United States  
1 21 department of education.

1 22 Sec. 3. Section 256B.6, Code 2009, is amended to read as  
1 23 follows:

1 24 256B.6 Parent's or guardian's duties == review.

1 25 1. When the school district or area education agency has  
1 26 provided special education services and programs as provided  
1 27 herein for any child requiring special education, either  
1 28 by admission to a special class or by supportive services,  
1 29 it shall be the duty of the parent or guardian to enroll  
1 30 ~~said~~ the child for instruction in such special classes or  
1 31 supportive services as may be established, except in the  
1 32 event a doctor's certificate is filed with the secretary  
1 33 of the school district showing that it is inadvisable for  
1 34 medical reasons for the child requiring special education to  
1 35 receive the special education provided; all the provisions



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2497 - Introduced continued

2 1 and conditions of chapter 299 ~~and amendments thereto~~ shall  
2 2 be applicable to this section, and any violations shall be  
2 3 punishable as provided in ~~said~~ chapter 299.  
2 4 2. A child, or the parent or guardian of the child, or the  
2 5 school district in which the child resides, may obtain a review  
2 6 of an action or omission of ~~state or~~ local authorities pursuant  
2 7 to the procedures established by the state board of education  
2 8 on the ground that the child has been or is about to be:  
2 9 ~~1.~~ a. Denied entry or continuance in a program of special  
2 10 education appropriate to the child's condition and needs.  
2 11 ~~2.~~ b. Placed in a special education program which is  
2 12 inappropriate to the child's condition and needs.  
2 13 ~~3.~~ c. Denied educational services because no suitable  
2 14 program of education or related services is maintained.  
2 15 ~~4.~~ d. Provided with special education which is insufficient  
2 16 in quantity to satisfy the requirements of law.  
2 17 ~~5.~~ e. Assigned to a program of special education when the  
2 18 child ~~does~~ not have a disability.  
2 19 3. When a child requiring special education attains the  
2 20 age of majority or is incarcerated in an adult or juvenile,  
2 21 state or local, correctional institution, all rights accorded  
2 22 to the parent or guardian under this chapter transfer to the  
2 23 child except as provided in this subsection. Any notice  
2 24 required by this chapter shall be provided to both the child  
2 25 who has reached the age of majority or is incarcerated in an  
2 26 adult or juvenile, state or local, correctional institution,  
2 27 and the parent or guardian. If rights under this chapter have  
2 28 transferred to the child and the child has been determined  
2 29 to be incompetent by a court or determined unable to provide  
2 30 informed educational consent by a court or other competent  
2 31 authority, then rights under this chapter shall be exercised by  
2 32 the person who has been appointed to represent the educational  
2 33 interest of the child. The director of the department of  
2 34 education may establish standards for determining whether  
2 35 a public agency, as defined in section 28E.2, is competent



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2497 - Introduced continued

3 1 to determine whether a child is unable to provide informed  
3 2 educational consent, and the procedures by which such  
3 3 determination shall be made and reviewed.

3 4 4. Notwithstanding section 17A.11, the state board of  
3 5 education shall adopt rules for the appointment of an impartial  
3 6 administrative law judge for special education appeals. The  
3 7 rules shall comply with federal statutes and regulations.

3 8 Sec. 4. Section 256B.8, unnumbered paragraph 2, Code 2009,  
3 9 is amended to read as follows:

3 10 An area education agency director of special education may  
3 11 request approval from the department of education to continue  
3 12 the special education program of a person beyond the ~~person's~~

~~3 13 twenty-first birthday~~ period specified in section 256B.2,  
3 14 subsection 1, paragraph "a", if the person had an accident or  
3 15 prolonged illness that resulted in delays in the initiation of  
3 16 or interruptions in that person's special education program.

3 17 Approval may be granted by the department to continue the  
3 18 special education program of that person for up to three years  
3 19 or until the person's twenty-fourth birthday.

3 20 Sec. 5. Section 256B.11, Code 2009, is amended to read as  
3 21 follows:

3 22 256B.11 Program plans.

3 23 1. Program plans submitted to the department of education  
3 24 pursuant to section 273.5 for approval by the director of the  
3 25 department of education shall establish all of the following:

3 26 ~~1-~~ a. That there are sufficient children requiring special  
3 27 education within the area.

3 28 ~~2-~~ b. That the service or program will be provided by the  
3 29 most appropriate educational agency.

3 30 ~~3-~~ c. That the educational agency providing the service or  
3 31 program has employed qualified special educational personnel.

3 32 ~~4-~~ d. That the instruction is a natural and normal  
3 33 progression of a planned course of instruction.

3 34 ~~5-~~ e. That all revenue raised for support of special  
3 35 education instruction and services is expended for actual



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2497 - Introduced continued

4 1 delivery of special education instruction or services.  
4 2 ~~6. f.~~ Other factors as the state board may require.  
4 3 2. Notwithstanding subsection 1 and section 273.5,  
4 4 subsection 6, the director of the department of education may  
4 5 authorize the area education agency to submit a statement  
4 6 assuring that the requirements of subsection 1 are satisfied  
4 7 in lieu of submitting a special education instructional and  
4 8 support program plan.  
4 9 Sec. 6. Section 256B.15, subsection 7, Code 2009, is amended  
4 10 to read as follows:  
4 11 7. The area education agencies shall transfer to  
4 12 the department of ~~education~~ human services an amount  
4 13 equal to ~~eighty-four percent~~ the nonfederal share of the  
4 14 payments to be received from the medical assistance program  
4 15 provided pursuant to chapter 249A. The nonfederal share  
4 16 amount shall be transferred to the medical assistance account  
4 17 prior to claims payment. This requirement does not apply to  
4 18 medical assistance reimbursement for services provided by an  
4 19 area education agency under part C of the federal Individuals  
4 20 With Disabilities Education Act. Funds received under this  
4 21 section shall not be considered or included as part of the area  
4 22 education agencies' budgets when calculating funds that are to  
4 23 be received by area education agencies during a fiscal year.  
4 24 Sec. 7. Section 257.11, subsection 8, Code Supplement 2009,  
4 25 is amended to read as follows:  
4 26 8. Pupils ineligible. A pupil eligible for the weighting  
4 27 plan provided in section 256B.9 is not eligible for  
4 28 supplementary weighting pursuant to this section unless it  
4 29 is determined that the course generating the supplemental  
4 30 weighting has no relationship to the pupil's disability. A  
4 31 pupil attending an alternative program or an at-risk pupils'  
4 32 program, including alternative high school programs, is not  
4 33 eligible for supplementary weighting under subsection 2.  
4 34 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance  
4 35 with section 25B.2, subsection 3, the state cost of requiring



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2497 - Introduced continued

5 1 compliance with any state mandate included in this Act shall  
5 2 be paid by a school district from state school foundation aid  
5 3 received by the school district under section 257.16. This  
5 4 specification of the payment of the state cost shall be deemed  
5 5 to meet all of the state funding-related requirements of  
5 6 section 25B.2, subsection 3, and no additional state funding  
5 7 shall be necessary for the full implementation of this Act  
5 8 by and enforcement of this Act against all affected school  
5 9 districts.

5 10 EXPLANATION

5 11 This bill makes Code changes related to special education  
5 12 rights, duties, and responsibilities.

5 13 The bill amends Code section 256B.2 to add to the definition  
5 14 of "children requiring special education" a provision allowing  
5 15 such a child who reaches age 21 during an academic year to  
5 16 elect to continue to receive special education services until  
5 17 the academic year ends. A conforming change is made to Code  
5 18 section 256B.8.

5 19 The bill also provides that when a child requiring special  
5 20 education attains the age of majority or is incarcerated in a  
5 21 correctional institution, the rights of the child's parent or  
5 22 guardian transfers to the child, and any notice to that child's  
5 23 parent or guardian must also be provided to the child. If the  
5 24 child is determined to be incompetent, these rights shall be  
5 25 exercised by the person appointed to represent the educational  
5 26 interests of the child.

5 27 The bill authorizes the director of the department of  
5 28 education to establish standards and procedures for determining  
5 29 whether a public agency is competent to determine whether a  
5 30 child is unable to provide informed educational consent, and  
5 31 to authorize an area education agency to submit a statement  
5 32 assuring its special education instruction and support program  
5 33 plan meets the specific requirements established in Code  
5 34 section 256B.11, subsection 1, rather than require the agency  
5 35 to submit the actual plan to the department for approval.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2497 - Introduced continued

6 1 The bill also directs area education agencies to transfer to  
6 2 the department of human services, rather than the department  
6 3 of education as provided in current law, an amount equal to  
6 4 the nonfederal share of the payments to be received from the  
6 5 medical assistance program, rather than 84 percent as provided  
6 6 in current law, of payments received for medical assistance  
6 7 services provided to children requiring special education.

6 8 The bill also provides that a pupil who is eligible  
6 9 for special education weighting is not also eligible for  
6 10 supplementary weighting unless the course generating the  
6 11 supplementary weighting has no relationship to the pupil's  
6 12 disability.

6 13 The bill requires the division of special education to  
6 14 submit copies of all reports the department provides to the  
6 15 U.S. department of education under part B of the federal  
6 16 Individuals with Disabilities Education Act, including  
6 17 but not limited to any report concerning disproportionate  
6 18 representation in special education based on race or ethnicity.

6 19 The bill may include a state mandate as defined in Code  
6 20 section 25B.3. The bill requires that the state cost of  
6 21 any state mandate included in the bill be paid by a school  
6 22 district from state school foundation aid received by the  
6 23 school district under Code section 257.16. The specification  
6 24 is deemed to constitute state compliance with any state mandate  
6 25 funding-related requirements of Code section 25B.2. The  
6 26 inclusion of this specification is intended to reinstate the  
6 27 requirement of political subdivisions to comply with any state  
6 28 mandates included in the bill.

LSB 5412HV (2) 83

kh/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2498 - Introduced**

HOUSE FILE  
BY COMMITTEE ON  
TRANSPORTATION

(SUCCESSOR TO HSB 678)

**A BILL FOR**

1 An Act relating to the contents of certain motor carrier  
2 transportation contracts by declaring certain indemnity  
3 provisions to be unlawful and void.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5905HV (2) 83  
md/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2498 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 325B.1 Contents of motor carrier  
1 2 transportation contracts == certain provisions void.  
1 3 1. As used in this section:  
1 4 a. "Motor carrier" means the same as defined in section  
1 5 325A.1.  
1 6 b. "Motor carrier transportation contract" means a contract,  
1 7 agreement, or understanding related to any of the following:  
1 8 (1) The transportation for hire of property by a motor  
1 9 carrier.  
1 10 (2) The entrance upon property by a motor carrier for the  
1 11 purpose of loading, unloading, or transporting property for  
1 12 transportation for hire.  
1 13 (3) A service incidental to the activities described in  
1 14 subparagraph (1) or (2), including but not limited to the  
1 15 storage of property.  
1 16 c. "Transportation for hire" means the same as defined in  
1 17 section 325A.1.  
1 18 2. Notwithstanding any provision of law to the contrary,  
1 19 a motor carrier transportation contract, whether express or  
1 20 implied, shall not contain a provision, clause, covenant,  
1 21 or agreement that purports to indemnify, defend, or hold  
1 22 harmless, or has the effect of indemnifying, defending, or  
1 23 holding harmless, a promisee from or against any liability for  
1 24 injury, death, loss, or damage resulting from the negligence  
1 25 or intentional acts or omissions of that promisee, or any  
1 26 agents, employees, servants, or independent contractors who  
1 27 are directly responsible to that promisee. This prohibition  
1 28 applies to any provisions or agreements collateral to or  
1 29 affecting a motor carrier transportation contract. Any  
1 30 such provisions, clauses, covenants, or agreements are void  
1 31 and unenforceable. If any provision, clause, covenant, or  
1 32 agreement is deemed void and unenforceable under this section,  
1 33 the remaining provisions of the motor carrier transportation  
1 34 contract are severable and shall be enforceable unless  
1 35 otherwise prohibited by law.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2498 - Introduced continued

2 1 3. This section does not apply to the uniform intermodal  
2 2 interchange and facilities access agreement administered by the  
2 3 intermodal association of north America, as amended, or other  
2 4 contracts or agreements providing for the interchange, use, or  
2 5 possession of intermodal chassis or other intermodal equipment.  
2 6 4. This section applies to motor carrier transportation  
2 7 contracts entered into, extended, or renewed on or after July  
2 8 1, 2010.

2 9 EXPLANATION

2 10 This bill creates new Code section 325B.1 relating to the  
2 11 contents of certain motor carrier transportation contracts,  
2 12 as defined in the bill. The bill prohibits a motor carrier  
2 13 transportation contract, whether express or implied, from  
2 14 containing a provision, clause, covenant, or agreement that  
2 15 purports to indemnify, defend, or hold harmless, or has the  
2 16 effect of indemnifying, defending, or holding harmless, a  
2 17 promisee from or against any liability for injury, death, loss,  
2 18 or damage resulting from the negligence or intentional acts or  
2 19 omissions of that promisee, or any agents, employees, servants,  
2 20 or independent contractors who are directly responsible to that  
2 21 promisee.

2 22 The bill provides that if any provision, clause, covenant,  
2 23 or agreement is deemed void and unenforceable under the bill,  
2 24 the remaining provisions of the motor carrier transportation  
2 25 contract are severable and enforceable unless otherwise  
2 26 prohibited by law.

2 27 The bill does not apply to the uniform intermodal  
2 28 interchange and facilities access agreement administered by the  
2 29 intermodal association of north America, as that agreement may  
2 30 be amended, or other contracts or agreements providing for the  
2 31 interchange, use, or possession of intermodal chassis or other  
2 32 intermodal equipment.

2 33 The bill applies to motor carrier transportation contracts  
2 34 entered into, extended, or renewed on or after July 1, 2010.

LSB 5905HV (2) 83

md/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2499 - Introduced**

HOUSE FILE  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO HSB 724)

**A BILL FOR**

1 An Act requiring the department of veterans affairs to  
2 provide copies of certain discharge documents to the county  
3 commissions of veteran affairs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6235HV (4) 83  
md/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2499 - Introduced continued

PAG LIN

1 1 Section 1. Section 35A.5, Code Supplement 2009, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 14A. a. Provide a copy of the certificate  
1 4 of release or discharge from active duty to the county  
1 5 commission of veteran affairs for the county where the released  
1 6 or discharged individual resides within thirty days of  
1 7 receiving the certificate of release or discharge from active  
1 8 duty from the applicable branch of service.  
1 9 b. A certificate of release or discharge from active duty  
1 10 that is received by the department shall be considered a  
1 11 confidential record for purposes of chapter 22 and shall only  
1 12 be made available pursuant to paragraph "a", unless otherwise  
1 13 authorized by law in connection with the department's official  
1 14 duties. The county commission of veteran affairs and its  
1 15 employees or agents shall be subject to the same state and  
1 16 federal confidentiality restrictions and requirements that are  
1 17 imposed on the department.

1 18 EXPLANATION

1 19 This bill requires the department of veterans affairs to  
1 20 provide a copy of the certificate of release or discharge  
1 21 from active duty to the county commission of veteran affairs  
1 22 for the county where the released or discharged individual  
1 23 resides within 30 days of receiving the certificate of release  
1 24 or discharge from active duty from the applicable branch of  
1 25 service.

1 26 The bill specifies that a certificate of release or  
1 27 discharge from active duty that is received by the department  
1 28 is a confidential record for purposes of Code chapter 22. The  
1 29 bill provides that, unless the department of veterans affairs  
1 30 is otherwise authorized by law, such certificates and releases  
1 31 may only be made available to the county commissions of veteran  
1 32 affairs. The bill also provides that the county commission  
1 33 of veteran affairs is subject to the same state and federal  
1 34 confidentiality restrictions and requirements imposed on the  
1 35 department of veterans affairs.

LSB 6235HV (4) 83

sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2500 - Introduced**

HOUSE FILE  
BY COMMITTEE ON REBUILD  
IOWA AND DISASTER  
RECOVERY

(SUCCESSOR TO HF 2174)

**A BILL FOR**

1 An Act relating to the purchase and sale of disaster=affected  
2 property by local governments.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5863HV (3) 83  
tm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2500 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 29C.20B Sale of disaster-affected  
1 2 property by local governments.

1 3 If a city or county purchases property using federal  
1 4 community development block grant moneys and such property is  
1 5 located in an area that the governor has proclaimed a disaster  
1 6 emergency or the president of the United States has declared  
1 7 a major disaster and the city or county makes a determination  
1 8 to sell the property, the city or county must first provide  
1 9 adjacent residential property owners the opportunity to  
1 10 purchase the property for fair market value, provided the  
1 11 purchaser agrees to maintain the property as green space.

1 12 EXPLANATION

1 13 This bill relates to the purchase and sale of  
1 14 disaster-affected property by local governments.

1 15 The bill provides that if a city or county purchases property  
1 16 using certain federal moneys and the property is located in  
1 17 an area that the governor has proclaimed a disaster emergency  
1 18 or the president of the United States has declared a major  
1 19 disaster and the city or county makes a determination to sell  
1 20 the property, the city or county must first provide adjacent  
1 21 residential property owners the opportunity to purchase the  
1 22 property under certain conditions.

LSB 5863HV (3) 83

tm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2501 - Introduced**

HOUSE FILE  
BY COMMITTEE ON PUBLIC  
SAFETY

(SUCCESSOR TO HF 2053)

**A BILL FOR**

1 An Act relating to a pilot project involving the use of photo  
2 traffic enforcement in road work zones on primary highways.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5142HV (1) 83  
dea/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2501 - Introduced continued

PAG LIN

1 1 Section 1. SPEED LIMIT ENFORCEMENT IN WORK ZONES ==  
1 2 PILOT PROJECT. By January 1, 2011, the department of public  
1 3 safety, in cooperation with the department of transportation,  
1 4 shall design and implement a pilot project utilizing one or  
1 5 more photo traffic enforcement devices for the enforcement  
1 6 of posted speed limits in work zones on primary highways.  
1 7 The department of public safety, in consultation with the  
1 8 department of transportation, shall report to the general  
1 9 assembly on or before December 31, 2011, regarding the results  
1 10 of the pilot project.

1 11 EXPLANATION  
1 12 This bill requires the department of public safety, in  
1 13 cooperation with the department of transportation, to design  
1 14 and implement a pilot project by January 1, 2011, utilizing one  
1 15 or more photo traffic enforcement devices for the enforcement  
1 16 of posted speed limits in work zones on primary highways. A  
1 17 report to the general assembly regarding the results of the  
1 18 pilot project is due on or before December 31, 2011.

LSB 5142HV (1) 83  
dea/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2502 - Introduced**

HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 566)

**A BILL FOR**

1 An Act concerning public retirement systems, including the  
2 public safety peace officers' retirement, accident, and  
3 disability system, the Iowa public employees' retirement  
4 system, and the statewide fire and police retirement system,  
5 making appropriations, and including effective date and  
6 retroactive applicability provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5346HV (3) 83  
ec/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

PAG LIN

1 1 DIVISION I  
1 2 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,  
1 3 ACCIDENT, AND DISABILITY SYSTEM  
1 4 Section 1. Section 80.8, Code 2009, is amended by adding the  
1 5 following new subsection:  
1 6 NEW SUBSECTION. 4. Should a peace officer become  
1 7 incapacitated for duty as a natural and proximate result  
1 8 of an injury, disease, or exposure incurred or aggravated  
1 9 while in the actual performance of duty at some definite  
1 10 time or place, the peace officer shall, upon being found to  
1 11 be temporarily incapacitated following an examination by a  
1 12 workers' compensation physician or other approved physician  
1 13 be entitled to receive the peace officer's fixed pay and  
1 14 allowances, without using the peace officer's sick leave,  
1 15 until reexamined by a workers' compensation physician or other  
1 16 approved physician or examined by the medical board provided  
1 17 for in section 97A.5, and found to be fully recovered or  
1 18 permanently disabled. In addition, a peace officer found to  
1 19 be temporarily incapacitated under this subsection shall be  
1 20 credited with any sick leave used prior to the determination  
1 21 that the peace officer was temporarily incapacitated under this  
1 22 subsection for the period of time sick leave was used. For  
1 23 purposes of this subsection, disease shall mean as described  
1 24 in section 97A.6, subsection 5.  
1 25 Sec. 2. Section 97A.1, subsection 6, Code 2009, is amended  
1 26 to read as follows:  
1 27 6. "Child" means only the surviving issue of a deceased  
1 28 active or retired member, or a child legally adopted by a  
1 29 deceased member prior to the member's retirement. "Child"  
1 30 includes only an individual who is under the age of eighteen  
1 31 years, an individual who is under the age of twenty-two and is  
1 32 a full-time student, or an individual who is disabled under the  
1 33 definitions used in section ~~402~~ 202 of the Social Security Act  
1 34 as amended if the disability occurred to the individual during  
1 35 the time the individual was under the age of eighteen years



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

2 1 and the parent of the individual was an active member of the  
2 2 system.

2 3 Sec. 3. Section 97A.6, subsection 2, paragraph e,  
2 4 subparagraph (6), Code 2009, is amended to read as follows:

2 5 (6) For a member who terminates service, other than by  
2 6 death ~~or disability~~, on or after July 1, 2000, and who does  
2 7 not withdraw the member's contributions pursuant to section  
2 8 97A.16, upon the member's retirement there shall be added  
2 9 two and three-fourths percent of the member's average final  
2 10 compensation for each year of service over twenty-two years.  
2 11 However, this subparagraph does not apply to more than ten  
2 12 additional years of service.

2 13 Sec. 4. Section 97A.6, subsection 5, paragraph b, Code 2009,  
2 14 is amended by striking the paragraph.

2 15 Sec. 5. Section 97A.6, subsection 7, paragraph a,  
2 16 subparagraph (2), Code 2009, is amended to read as follows:

2 17 (2) A beneficiary retired under the provisions of this  
2 18 paragraph in order to be eligible for continued receipt of  
2 19 retirement benefits shall no later than May 15 of each year  
2 20 submit to the board of trustees a copy of the beneficiary's  
2 21 ~~state~~ federal individual income tax return for the preceding  
2 22 year. The beneficiary shall also submit, within sixty days,  
2 23 any documentation requested by the system that is determined to  
2 24 be necessary by the system to determine the beneficiary's gross  
2 25 wages.

2 26 Sec. 6. Section 97A.6, subsection 7, paragraph b, Code 2009,  
2 27 is amended to read as follows:

2 28 b. Should a disability beneficiary under age fifty-five  
2 29 be restored to active service at a compensation not less than  
2 30 the disability beneficiary's average final compensation, the  
2 31 disability beneficiary's retirement allowance shall cease, the  
2 32 disability beneficiary shall again become a member and shall  
2 33 contribute thereafter at the same rate payable by other members  
2 34 of comparable rank, seniority, and age, and former service on  
2 35 the basis of which the disability beneficiary's service was



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

3 1 computed at the time of retirement shall be restored to full  
3 2 force and effect. Upon subsequent retirement the disability  
3 3 beneficiary shall be credited with all service as a member, and  
3 4 also with no more than two years of the period of disability  
3 5 retirement.

3 6 Sec. 7. Section 97A.8, subsection 1, paragraph b,  
3 7 subparagraph (2), subparagraph division (e), Code 2009, is  
3 8 amended by striking the subparagraph division and inserting in  
3 9 lieu thereof the following:

3 10 (e) For the fiscal year beginning July 1, 2012, twenty=seven  
3 11 percent.

3 12 (f) For the fiscal year beginning July 1, 2013, twenty=nine  
3 13 percent.

3 14 (g) For the fiscal year beginning July 1, 2014, thirty=one  
3 15 percent.

3 16 (h) For the fiscal year beginning July 1, 2015, thirty=three  
3 17 percent.

3 18 (i) For the fiscal year beginning July 1, 2016, thirty=five  
3 19 percent.

3 20 (j) For each fiscal year beginning on or after July 1, 2017,  
3 21 the lesser of thirty=seven percent or the normal contribution  
3 22 rate as calculated pursuant to subparagraph (1).

3 23 Sec. 8. Section 97A.8, subsection 1, paragraph e,  
3 24 subparagraph (8), Code 2009, is amended to read as follows:

3 25 (8)(a) For purposes of this subparagraph, the "applicable  
3 26 employee percentage" shall be as follows:

3 27 (i) For the fiscal period beginning July 1, 2006, and ending  
3 28 June 30, 2011, nine and thirty=five hundredths percent.

3 29 (ii) For the fiscal year beginning July 1, 2011, nine and  
3 30 eighty=five hundredths percent.

3 31 (iii) For the fiscal year beginning July 1, 2012, ten and  
3 32 thirty=five hundredths percent.

3 33 (iv) For the fiscal year beginning July 1, 2013, ten and  
3 34 eighty=five hundredths percent.

3 35 (v) For the fiscal year beginning July 1, 2014, and each



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

4 1 fiscal year thereafter, eleven and thirty-five hundredths  
4 2 percent.  
4 3 (b) Notwithstanding any other provision of this chapter,  
4 4 beginning July 1, 1996, and each fiscal year thereafter, an  
4 5 amount equal to the member's contribution rate times each  
4 6 member's compensation shall be paid to the retirement fund from  
4 7 the earnable compensation of the member. For the purposes  
4 8 of this subparagraph, the member's contribution rate shall  
4 9 be ~~nine and thirty-five hundredths percent~~ the applicable  
4 10 employee percentage. ~~However, the system shall increase the~~  
4 11 ~~member's contribution rate as necessary to cover any increase~~  
4 12 ~~in cost to the system resulting from statutory changes which~~  
4 13 ~~are enacted by any session of the general assembly meeting~~  
4 14 ~~after January 1, 1995, if the increase cannot be absorbed~~  
4 15 ~~within the contribution rates otherwise established pursuant to~~  
4 16 ~~this paragraph, but subject to a maximum employee contribution~~  
4 17 ~~rate of eleven and three-tenths percent. After the employee~~  
4 18 ~~contribution reaches eleven and three-tenths percent, sixty~~  
4 19 ~~percent of the additional cost of such statutory changes shall~~  
4 20 ~~be paid by the employer under paragraph "c" and forty percent~~  
4 21 ~~of the additional cost shall be paid by employees under this~~  
4 22 ~~subparagraph (8).~~  
4 23 Sec. 9. Section 97A.8, subsection 1, Code 2009, is amended  
4 24 by adding the following new paragraph:  
4 25 NEW PARAGRAPH. i. Notwithstanding any provision of this  
4 26 subsection to the contrary, if any statutory changes are  
4 27 enacted by any session of the general assembly meeting after  
4 28 January 1, 2011, which increases the cost to the system,  
4 29 the system shall, if the increased cost cannot be absorbed  
4 30 within the contribution rates otherwise established pursuant  
4 31 to this subsection at the time the statutory changes are  
4 32 enacted, increase the normal contribution rate and the member's  
4 33 contribution rate as necessary to cover any increase in cost  
4 34 by providing that sixty percent of the additional cost of such  
4 35 statutory changes shall be paid by the employer under paragraph



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

5 1 "c" and forty percent of the additional cost shall be paid by  
5 2 employees under paragraph "e", subparagraph (8).

5 3 Sec. 10. Section 97A.10, subsection 1, paragraph a,  
5 4 subparagraph (1), Code 2009, is amended to read as follows:

5 5 (1) "Eligible qualified service" means ~~as follows:~~

~~5 6 (a) Service with the department prior to July 1, 1994, in  
5 7 a position as a gaming enforcement officer, fire prevention  
5 8 inspector peace officer, or as an employee of the division of  
5 9 capitol police except clerical workers.~~

5 10 (b) Service service as a member of a city fire retirement  
5 11 system or police retirement system operating under chapter 411  
5 12 prior to January 1, 1992, for which service was not eligible to  
5 13 be transferred to this system pursuant to section 97A.17.

5 14 Sec. 11. Section 97A.10, subsections 2 and 3, Code 2009, are  
5 15 amended to read as follows:

5 16 2. An active member of the system may make contributions to  
5 17 the system to purchase up to the maximum amount of permissive  
5 18 service credit for eligible qualified service as determined by  
5 19 the system, pursuant to Internal Revenue Code section 415(n)  
5 20 and the requirements of this section. A member seeking to  
5 21 purchase permissive service credit pursuant to this section  
5 22 shall file a written application along with appropriate  
5 23 documentation with the department by July 1, ~~2007~~ 2011.

5 24 3. A member making contributions for a purchase of  
5 25 permissive service credit for eligible qualified service under  
5 26 this section shall make contributions in an amount equal to the  
5 27 actuarial cost of the permissive service credit purchase, less  
5 28 an amount equal to the member's contributions under chapter  
5 29 411 for the period of eligible qualified service together  
5 30 with interest at a rate determined by the board of trustees.

5 31 For purposes of this subsection, the actuarial cost of the  
5 32 permissive service credit purchase is an amount determined by  
5 33 the system in accordance with actuarial tables, as reported  
5 34 to the system by the system's actuary, which reflects the  
5 35 actuarial cost necessary to fund an increased retirement



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

6 1 allowance resulting from the purchase of permissive service  
6 2 credit.  
6 3 Sec. 12. Section 97A.11, Code 2009, is amended to read as  
6 4 follows:  
6 5 97A.11 Contributions by the state.  
6 6 On or before the first day of ~~November~~ January in each year,  
6 7 the board of trustees shall certify to the director of the  
6 8 department of administrative services the amounts which will  
6 9 become due and payable during the fiscal year next following to  
6 10 the retirement fund. The amounts so certified shall be paid  
6 11 by the director of the department of administrative services  
6 12 out of the funds appropriated for the Iowa department of public  
6 13 safety, to the treasurer of state, the same to be credited to  
6 14 the system for the ensuing fiscal year.  
6 15 Sec. 13. NEW SECTION. 97A.11A Supplemental state  
6 16 appropriation.  
6 17 1. Beginning with the fiscal year commencing July 1,  
6 18 2012, and ending June 30 of the fiscal year during which the  
6 19 board determines that the system's funded ratio of assets  
6 20 to liabilities is at least eighty-five percent, there is  
6 21 appropriated from the general fund of the state for each fiscal  
6 22 year to the retirement fund described in section 97A.8, an  
6 23 amount equal to five million dollars.  
6 24 2. Moneys appropriated by the state pursuant to this section  
6 25 shall not be used to reduce the normal rate of contribution by  
6 26 the state below seventeen percent.  
6 27 Sec. 14. Section 97A.14, Code 2009, is amended to read as  
6 28 follows:  
6 29 97A.14 Hospitalization and medical attention.  
6 30 1. The board of trustees shall provide hospital, nursing,  
6 31 and medical attention for the members in service when injured  
6 32 while in the performance of their duties and shall continue  
6 33 to provide hospital, nursing, long-term care, and medical  
6 34 attention for injuries or diseases incurred while in the  
6 35 performance of their duties for the members but only while



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

7 1 the members are still receiving a retirement allowance under  
7 2 section 97A.6, subsection 6. The cost of hospital, nursing,  
7 3 and medical attention shall be paid out of the retirement fund.  
7 4 However, any amounts received by the injured person under the  
7 5 workers' compensation law of the state, or from any other  
7 6 source for such specific purposes, shall be deducted from the  
7 7 amount paid by the board of trustees ~~provisions of~~ under this  
7 8 section.

7 9 2. For purposes of this section, medical attention shall  
7 10 include but not be limited to services provided by licensed  
7 11 medical personnel to include office, hospital, nursing home  
7 12 care, long-term care, and prescriptions for medicine or  
7 13 equipment. Within twelve months of receiving treatment or  
7 14 incurring a cost with direct correlation to the disabling  
7 15 condition, the beneficiary of an accidental disability benefit  
7 16 shall submit a written request for reimbursement to the board.  
7 17 A denial of reimbursement by the board shall be subject to  
7 18 judicial review in the same manner as any other action by the  
7 19 board in accordance with section 97A.6, subsection 13.

7 20 Sec. 15. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,  
7 21 ACCIDENT, AND DISABILITY SYSTEM == ADDITIONAL APPROPRIATION  
7 22 FOR PURCHASE OF SERVICE. If section 97A.10 is amended by this  
7 23 Act to provide for the purchase of eligible service credit on  
7 24 and after July 1, 2010, there shall be appropriated from the  
7 25 general fund of the state to the retirement fund described in  
7 26 section 97A.8 an amount equal to that portion of the actuarial  
7 27 cost of the permissive service credit purchase for eligible  
7 28 service credit pursuant to section 97A.10 that is not required  
7 29 to be contributed by a member making contributions to the  
7 30 system for that purchase.

7 31 Sec. 16. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,  
7 32 ACCIDENT, AND DISABILITY SYSTEM == EMPLOYERS CONTRIBUTION RATE  
7 33 CALCULATION STUDY.

7 34 1. The board of trustees of the Iowa department of public  
7 35 safety peace officers' retirement, accident, and disability



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

8 1 system, as defined in section 97A.2, shall, in consultation  
8 2 with the system's actuary, conduct a study concerning the  
8 3 calculation of the employers contribution rate beginning on and  
8 4 after July 1, 2017, with the goal of establishing a mechanism  
8 5 for ensuring that the system's funded ratio of assets to  
8 6 liabilities is at least eighty-five percent.

8 7 2. On or before October 15, 2015, the board of trustees  
8 8 shall file a report with the legislative services agency, for  
8 9 distribution to the public retirement systems committee, which  
8 10 contains the results of the study and any recommendations for  
8 11 statutory changes to implement the recommendations of the  
8 12 study.

8 13 Sec. 17. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,  
8 14 ACCIDENT, AND DISABILITY SYSTEM == ADJUSTMENT OF PENSIONS  
8 15 PAYABLE. It is the intent of the general assembly that the  
8 16 applicable amount for each adjustment occurring on July 1  
8 17 as provided in section 97A.6, subsection 14, paragraph "a",  
8 18 subparagraph (2), subparagraph division (a), shall be the  
8 19 exact dollar amount listed in each subparagraph subdivision  
8 20 of subparagraph division (a) for each July 1 in which that  
8 21 particular subparagraph subdivision applies and shall not  
8 22 be increased above the amount listed in that subparagraph  
8 23 subdivision for each year that the subparagraph subdivision  
8 24 applies.

8 25 Sec. 18. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,  
8 26 ACCIDENT, AND DISABILITY SYSTEM == BOARD REPORT.

8 27 1. The board of trustees of the Iowa department of  
8 28 public safety peace officers' retirement, accident, and  
8 29 disability system, as defined in section 97A.2, shall  
8 30 conduct a comprehensive examination of the plan design  
8 31 of the Iowa department of public safety peace officers'  
8 32 retirement, accident, and disability system, pursuant to the  
8 33 principles established in chapter 97D, with the goal of making  
8 34 recommendations for benefit and other statutory changes to the  
8 35 system that will maintain an adequate retirement for members at



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

9 1 a reasonable cost to members and employers.  
9 2 2. On or before October 15, 2011, the board of trustees  
9 3 shall file a report with the legislative services agency, for  
9 4 distribution to the public retirement systems committee, which  
9 5 contains the results of the comprehensive examination and any  
9 6 recommendations for benefit or other statutory changes to the  
9 7 system.

9 8  
9 9 DIVISION II  
9 10 IOWA PUBLIC EMPLOYEES'  
9 11 RETIREMENT SYSTEM

9 12 Sec. 19. Section 97B.1A, Code Supplement 2009, is amended by  
9 13 adding the following new subsection:

9 14 NEW SUBSECTION. 10A. "Final average covered wage" means the  
9 15 greater of the following:

9 16 a. (1) The member's covered wages averaged for the  
9 17 highest five years of the member's regular service, except  
9 18 as otherwise provided in this paragraph. The highest five  
9 19 years of a member's covered wages shall be determined using  
9 20 calendar years. However, if a member's final quarter of a  
9 21 year of employment does not occur at the end of a calendar  
9 22 year, the system may determine the wages for the fifth year by  
9 23 computing the average quarter of all quarters from the member's  
9 24 highest calendar year of covered wages not being used in the  
9 25 selection of the four highest years and using the computed  
9 26 average quarter for each quarter in the fifth year in which  
9 27 no wages have been reported in combination with the final  
9 28 quarter or quarters of the member's service to create a full  
9 29 calendar year. However, the system shall not use the member's  
9 30 final quarter of wages if using that quarter would reduce  
9 31 the member's final average covered wage. If the five-year  
9 32 average covered wage of a member exceeds the highest maximum  
9 33 covered wages in effect for a calendar year during the member's  
9 34 period of service, the five-year average covered wage of the  
9 35 member shall be reduced to the highest maximum covered wages in  
effect during the member's period of service. Notwithstanding



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

10 1 any other provision of this subparagraph to the contrary,  
10 2 a member's wages for the fifth year as computed under this  
10 3 subparagraph shall not exceed, by more than three percent, the  
10 4 member's highest actual calendar year of covered wages.  
10 5 (2) Notwithstanding any other provisions of this paragraph  
10 6 "a" to the contrary, the member's five-year average covered  
10 7 wage shall be the lesser of the five-year average covered wage  
10 8 as calculated pursuant to subparagraph (1) and the adjusted  
10 9 covered wage amount. For purposes of this subparagraph (2),  
10 10 the covered wage amount shall be an amount equal to one hundred  
10 11 thirty-four percent of the member's applicable calendar year  
10 12 wages. The member's applicable calendar year wages shall be  
10 13 the member's highest calendar year of covered wages not used in  
10 14 the calculation of the member's five-year average covered wage  
10 15 pursuant to subparagraph (1), or such other calendar year of  
10 16 covered wages selected by the system pursuant to rules adopted  
10 17 by the system.  
10 18 b. If the member was vested as of June 30, 2012, the  
10 19 member's three-year average covered wage as of June 30, 2012.  
10 20 Sec. 20. Section 97B.1A, subsection 24, paragraph c, Code  
10 21 Supplement 2009, is amended to read as follows:  
10 22 c. Notwithstanding any other provisions of this subsection  
10 23 to the contrary, for a member who retires on or after July 1,  
10 24 2007, the member's three-year average covered wage shall be the  
10 25 lesser of the three-year average covered wage as calculated  
10 26 pursuant to paragraph "a" and the adjusted covered wage  
10 27 amount. For purposes of this paragraph, the adjusted covered  
10 28 wage amount shall be the greater of the member's three-year  
10 29 average covered wage calculated pursuant to paragraph "a" as  
10 30 of July 1, 2007, and an amount equal to one hundred twenty-one  
10 31 percent of the member's applicable calendar year wages. The  
10 32 member's applicable calendar year wages shall be the member's  
10 33 highest ~~full~~ calendar year of covered wages not used in the  
10 34 calculation of the member's three-year average covered wage  
10 35 pursuant to paragraph "a", or, ~~if the member does not have~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

~~House File 2502 — Introduced continued~~

~~11 1 another full calendar year of covered wages that was not used  
11 2 in the calculation of the three-year average covered wage under  
11 3 paragraph "a", the lowest full calendar year of covered wages  
11 4 that was used in the calculation of the member's three-year  
11 5 average covered wage pursuant to paragraph "a" such other  
11 6 calendar year of covered wages selected by the system pursuant  
11 7 to rules adopted by the system.~~

11 8 Sec. 21. Section 97B.1A, subsection 25, paragraph a,  
11 9 subparagraphs (1) through (5), Code Supplement 2009, are  
11 10 amended by striking the subparagraphs and inserting in lieu  
11 11 thereof the following:

11 12 (1) Is vested by service.

11 13 (2) Prior to July 1, 2005, has attained the age of  
11 14 fifty-five.

11 15 (3) Between July 1, 2005, and June 30, 2012, has attained  
11 16 the age of fifty-five or greater while in covered employment.

11 17 (4) On and after July 1, 2012, meets one of the following  
11 18 requirements:

11 19 (a) For a member in special service, has attained the age of  
11 20 fifty-five or greater while in covered employment.

11 21 (b) For a member in regular service, has attained the age of  
11 22 sixty-five or greater while in covered employment.

11 23 Sec. 22. Section 97B.1A, subsection 25, Code Supplement  
11 24 2009, is amended by adding the following new paragraph:

11 25 NEW PARAGRAPH. d. "Vested by service" means a member who  
11 26 meets one of the following requirements:

11 27 (1) Prior to July 1, 1965, had attained the age of  
11 28 forty-eight and completed at least eight years of service.

11 29 (2) Between July 1, 1965, and June 30, 1973, had completed  
11 30 at least eight years of service.

11 31 (3) Between July 1, 1973, and June 30, 2012, had completed  
11 32 at least four years of service.

11 33 (4) On and after July 1, 2012, meets one of the following  
11 34 requirements:

11 35 (a) For a member in special service, has completed at least



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

12 1 four years of special service.

12 2 (b) For a member in regular service, has completed at least  
12 3 seven years of service.

12 4 (5) On or after July 1, 1988, an inactive member who had  
12 5 accumulated, as of the date of the member's last termination of  
12 6 employment, years of membership service equal to or exceeding  
12 7 the years of membership service specified in this paragraph  
12 8 "d" for qualifying as vested by service on that date of  
12 9 termination.

12 10 Sec. 23. Section 97B.4, subsection 2, paragraph c, Code  
12 11 2009, is amended to read as follows:

~~12 12 c. In administering this chapter, the system may enter into  
12 13 a biennial agreement with the department of administrative  
12 14 services concerning the sharing of resources between the  
12 15 system and department which are of benefit to each and  
12 16 which are consistent with the mission of the system and  
12 17 the department. The budget program for the system shall be  
12 18 established by the chief executive officer in consultation with  
12 19 the board and other staff of the system and shall be compiled  
12 20 and submitted by the system pursuant to section 8.23.~~

12 21 Sec. 24. Section 97B.4, subsection 4, paragraph a, Code  
12 22 2009, is amended to read as follows:

12 23 a. Annual report to governor. Not later than the  
12 24 thirty-first day of December of each year, the system shall  
12 25 submit to the governor a report covering the administration  
12 26 and operation of this chapter during the preceding fiscal  
12 27 year and shall make recommendations for amendments to this  
12 28 chapter. The report shall include a balance sheet of the  
12 29 moneys in the retirement fund. The report shall also include  
12 30 information concerning the investment management expenses  
12 31 for the retirement fund for each fiscal year expressed as a  
12 32 percent of the market value of the retirement fund investment  
12 33 assets, ~~including the information described in section 97B.7,  
12 34 subsection 3, paragraph "d".~~ The information provided under  
12 35 this paragraph shall also include information on the investment



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

13 1 policies and investment performance of the retirement fund.  
13 2 In providing this information, to the extent possible, the  
13 3 system shall include the total investment return for the entire  
13 4 fund, for portions of the fund managed by investment managers,  
13 5 and for internally managed portions of the fund, and the cost  
13 6 of managing the fund per thousand dollars of assets. The  
13 7 performance shall be based upon market value, and shall be  
13 8 contrasted with relevant market indices and with performances  
13 9 of pension funds of similar asset size.  
13 10 Sec. 25. Section 97B.11, subsection 3, paragraph d, Code  
13 11 2009, is amended to read as follows:  
13 12 d. "Required contribution rate" means that percentage of the  
13 13 covered wages of members in regular service, members described  
13 14 in section 97B.49B, and members described in section 97B.49C,  
13 15 that the system shall, for each fiscal year, separately set  
13 16 for members in each membership category as provided in this  
13 17 paragraph. The required contribution rate that is set by the  
13 18 system for a membership category shall be the contribution  
13 19 rate the system actuarially determines, based upon the  
13 20 most recent actuarial valuation of the system and using the  
13 21 actuarial methods, assumptions, and funding policy approved  
13 22 by the investment board, is the rate required by the system  
13 23 to discharge its liabilities as a percentage of the covered  
13 24 wages of members in that membership category. However, the  
13 25 required contribution rate set by the system for members in  
13 26 regular service for a fiscal year shall not vary by more than  
13 27 one-half one percentage point from the required contribution  
13 28 rate for the prior fiscal year.  
13 29 Sec. 26. Section 97B.49A, subsection 3, Code 2009, is  
13 30 amended to read as follows:  
13 31 3. Calculation of monthly allowance. For each active or  
13 32 inactive vested member retiring on or after July 1, 1994, with  
13 33 four or more complete years of service, a monthly benefit shall  
13 34 be computed which is equal to one-twelfth of an amount equal  
13 35 to the applicable percentage of the ~~three-year~~ final average



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

14 1 covered wage multiplied by a fraction of years of service.  
14 2 However, if benefits under this section commence on an early  
14 3 retirement date, the amount of the benefit shall be reduced in  
14 4 accordance with section 97B.50.  
14 5 Sec. 27. Section 97B.49A, subsection 4, paragraph c, Code  
14 6 2009, is amended to read as follows:  
14 7 c. For each active and vested member retiring ~~with less than~~  
~~14 8 four complete years of service and who therefore~~ cannot have a  
14 9 benefit determined under the formula benefit of paragraph "a"  
14 10 or "b" of this subsection, subsection 3, or section 97B.49G,  
14 11 subsection 1, a monthly annuity for membership service shall be  
14 12 determined by applying the member's accumulated contributions  
14 13 and the employer's matching accumulated contributions as of the  
14 14 effective retirement date and any retirement dividends standing  
14 15 to the member's credit on or before December 31, 1966, to the  
14 16 annuity tables in use by the system according to the member's  
14 17 age and contingent annuitant's age, if applicable.  
14 18 Sec. 28. Section 97B.49D, subsection 1, unnumbered  
14 19 paragraph 1, Code 2009, is amended to read as follows:  
14 20 An active or inactive vested member, who is or has been  
14 21 employed in both special service and regular service, who  
14 22 retires on or after July 1, 1996, ~~with four or more completed~~  
~~14 23 years of who is vested by service, and who~~ at the time of  
14 24 retirement is at least fifty-five years of age, may elect  
14 25 to receive, in lieu of the receipt of a monthly retirement  
14 26 allowance as calculated pursuant to sections 97B.49A through  
14 27 97B.49C, a combined monthly retirement allowance equal to the  
14 28 sum of the following:  
14 29 Sec. 29. Section 97B.49D, subsection 1, paragraph a, Code  
14 30 2009, is amended to read as follows:  
14 31 a. One-twelfth of an amount equal to the applicable  
14 32 percentage of the member's ~~three-year~~ final average covered  
14 33 wage multiplied by a fraction of years of service. The  
14 34 fraction of years of service for purposes of this paragraph  
14 35 shall be the actual years of service, not to exceed thirty,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

15 1 for which regular service contributions were made, divided by  
15 2 thirty. However, any otherwise applicable age reduction for  
15 3 early retirement shall apply to the calculation under this  
15 4 paragraph.

15 5 Sec. 30. Section 97B.50, subsection 1, paragraphs a and b,  
15 6 Code 2009, are amended to read as follows:

15 7 a. For a member who is ~~less than sixty-two years of age not~~  
15 8 ~~vested on June 30, 2012, by twenty-five hundredths~~ one-half of  
15 9 one percent per month for each month that the early retirement  
15 10 date precedes the ~~normal retirement~~ date the member attains age  
15 11 sixty-five.

15 12 b. For a member who is ~~at least sixty-two years of age and~~  
15 13 ~~who has not completed twenty years of membership service and~~  
15 14 ~~prior service vested on June 30, 2012, the member's retirement~~  
15 15 allowance shall be reduced as follows:

15 16 (1) For that portion of the member's retirement allowance  
15 17 based on years of service through June 30, 2012, by twenty-five  
15 18 hundredths of one percent per month for each month that the  
15 19 early retirement date precedes the member's earliest normal  
15 20 retirement date using the member's age on the early retirement  
15 21 date and years of service as of June 30, 2012.

15 22 (2) For that portion of the member's retirement allowance  
15 23 based on years of service after June 30, 2012, by one-half of  
15 24 one percent per month for each month that the early retirement  
15 25 date precedes the date the member attains age sixty-five.

15 26 Sec. 31. Section 97B.50A, subsection 2, paragraph c, Code  
15 27 2009, is amended to read as follows:

15 28 c. (1) Disease under this subsection shall mean heart  
15 29 disease or any disease of the lungs or respiratory tract and  
15 30 shall be presumed to have been contracted while on active duty  
15 31 as a result of strain, exposure, or the inhalation of noxious  
15 32 fumes, poison, or gases.

15 33 (2) Disease under this subsection shall also mean, for  
15 34 a member in a protection occupation, cancer or infectious  
15 35 disease, as defined in section 411.1, and shall be presumed to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

16 1 have been contracted while on active duty as a result of that  
16 2 duty.

16 3 (3) However, if a person's special service membership in  
16 4 the retirement system first commenced on or after July 1, 2000,  
16 5 and the heart disease, ~~or~~ disease of the lungs or respiratory  
16 6 tract, cancer, or infectious disease would not exist, but  
16 7 for a medical condition that was known to exist on the date  
16 8 that special service membership commenced, the presumption  
16 9 established in this paragraph "c" shall not apply.

16 10 Sec. 32. Section 97B.52, subsection 1, unnumbered paragraph  
16 11 1, Code 2009, is amended to read as follows:

16 12 If an inactive member, ~~with at least sixteen calendar~~  
~~16 13 quarters of service credit who is vested by service,~~ or  
16 14 any active member dies prior to the member's first month of  
16 15 entitlement, the member's beneficiary shall be entitled to  
16 16 receive a death benefit equal to the greater of the amount  
16 17 provided in paragraph "a" or "b". If an inactive member ~~with~~  
~~16 18 less than sixteen calendar quarters of service credit who is~~  
16 19 not vested by service dies prior to the member's first month of  
16 20 entitlement, the member's beneficiary shall only be entitled  
16 21 to receive a death benefit, as a lump sum, equal to the amount  
16 22 provided in paragraph "a".

16 23 Sec. 33. Section 97B.52A, subsection 1, paragraph c, Code  
16 24 2009, is amended to read as follows:

16 25 c. (1) For a member whose first month of entitlement  
16 26 is July 2000 or later, the member does not return to any  
16 27 employment with a covered employer until the member has  
16 28 qualified for at least one calendar month of retirement  
16 29 benefits, and the member does not return to covered employment  
16 30 until the member has qualified for no fewer than four calendar  
16 31 months of retirement benefits.

16 32 (2) For purposes of determining a bona fide retirement  
16 33 under this paragraph "c", effective the following provisions  
16 34 apply:

16 35 (a) Effective July 1, 2000, any employment with a covered



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

17 1 employer does not include employment as an elective official  
17 2 or member of the general assembly if the member is not covered  
17 3 under this chapter for that employment.

17 4 (b) For ~~purposes of determining a bona fide retirement~~  
~~17 5 under this paragraph and for~~ a member whose first month of  
17 6 entitlement is July 2004 or later, but before July ~~2010~~ 2012,  
17 7 covered employment does not include employment as a licensed  
17 8 health care professional by a public hospital as defined in  
17 9 section 249J.3, with the exception of public hospitals governed  
17 10 pursuant to chapter 226.

17 11 (c) Effective May 25, 2008, any employment with a covered  
17 12 employer does not include noncovered employment as a member of  
17 13 the national guard called to state active duty as defined in  
17 14 section 29A.1.

17 15 Sec. 34. Section 97B.58, Code 2009, is amended to read as  
17 16 follows:

17 17 97B.58 Information furnished by employer.

17 18 To enable the system to administer this chapter and perform  
17 19 its functions, the employer shall, upon the request of and  
17 20 in the manner provided by the system, ~~supply full~~ provide  
17 21 accurate, complete, and timely information to the system of  
17 22 all matters relating to the pay of all members, date of birth,  
17 23 their retirement, death, or other cause for termination of  
17 24 employment, and other pertinent facts the system may require  
17 25 in the manner provided by the system. The system shall not be  
17 26 liable to any member, retiree, or beneficiary for any monetary  
17 27 or other relief due to the failure of the employer to comply  
17 28 with this section.

17 29 Sec. 35. 2008 Iowa Acts, chapter 1171, section 47, is  
17 30 amended to read as follows:

17 31 SEC. 47. TRANSITION PROVISION == REQUIRED CONTRIBUTION RATE  
17 32 FOR FISCAL YEAR 2010=2011. For purposes of establishing the  
17 33 required contribution rate for the fiscal year beginning July  
17 34 1, 2011, as provided in section 97B.11, as amended in this Act,  
17 35 the required contribution rate for the fiscal year beginning



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

18 1 July 1, 2010, shall be, for ~~members in regular service~~, members  
18 2 described in section 97B.49B, and members described in section  
18 3 97B.49C, the total contribution percentage rate paid by members  
18 4 and employers of that membership group for the fiscal year  
18 5 beginning July 1, 2010.

18 6 Sec. 36. 2009 Iowa Acts, chapter 170, section 51,  
18 7 subsections 1 and 3, are amended to read as follows:

18 8 1. a. Notwithstanding any provision of chapter 97B to the  
18 9 contrary, a member of the Iowa public employees' retirement  
18 10 system who has an employer=mandated reduction in hours or  
18 11 an employee=exercised reduction in pay but remains on the  
18 12 employer's payroll, and who would receive a reduction in the  
18 13 member's three-year average covered wage as a result of the  
18 14 reduction in hours, may have the member's retirement allowance  
18 15 calculated based on the three-year average covered wage the  
18 16 member would have received, based on reasonable assumptions,  
18 17 if the member had not been subject to the employer=mandated  
18 18 reduction in hours or employee=exercised reduction in pay, upon  
18 19 payment by the member of the applicable contribution amount.

18 20 b. For purposes of this section, ~~the applicable contribution~~  
~~18 21 amount unless the context otherwise requires:~~

18 22 (1) "Applicable contribution amount" is an amount equal to  
18 23 the employee and employer contributions that would have been  
18 24 paid to the system based on the wages that the member would  
18 25 have received but for the employer=mandated reduction in hours  
18 26 or employee=exercised reduction in pay and would have been  
18 27 included in the member's three-year average covered wage.

18 28 (2) "Employee=exercised reduction in pay" means a reduction  
18 29 in pay of a member who has exercised bumping rights by  
18 30 accepting a lower-paid position in order to avoid being laid  
18 31 off by the employer.

18 32 3. This section shall apply to employer=mandated reductions  
18 33 in hours or employee=exercised reductions in pay during  
18 34 the period of time beginning on or after January 1, 2009,  
18 35 and ending no later than June 30, ~~2010~~ 2011. The system is





Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

20 1 appropriated under the applicable sections of the Code for  
20 2 fiscal years commencing on or after July 1, 1993, are limited  
20 3 to those amounts expended under those sections for the fiscal  
20 4 year commencing July 1, 1992. If an applicable section  
20 5 appropriates moneys to be distributed to different recipients  
20 6 and the operation of this section reduces the total amount to  
20 7 be distributed under the applicable section, the moneys shall  
20 8 be prorated among the recipients. As used in this section,  
20 9 "applicable sections" means sections 53.50, 229.35, 230.8,  
20 10 230.11, ~~411.20~~, and 663.44.  
20 11 Sec. 43. Section 411.1, subsection 22, Code Supplement  
20 12 2009, is amended to read as follows:  
20 13 22. "Surviving spouse" shall mean the surviving spouse of a  
20 14 deceased member ~~from active service~~. Surviving spouse shall  
20 15 include a former spouse only if the division of assets in the  
20 16 dissolution of marriage decree pursuant to section 598.17  
20 17 grants the former spouse rights of a spouse under this chapter.  
20 18 Sec. 44. Section 411.6, subsection 3, Code Supplement 2009,  
20 19 is amended to read as follows:  
20 20 3. Ordinary disability retirement benefit. Upon application  
20 21 to the system, of a member in good standing or of the chief  
20 22 of the police or fire departments, respectively, any member  
20 23 in good standing shall be retired by the system, not less  
20 24 than thirty and not more than ninety days next following the  
20 25 date of filing the application, on an ordinary disability  
20 26 retirement allowance, if the medical board after a medical  
20 27 examination of the member certifies that the member is mentally  
20 28 or physically incapacitated for further performance of duty,  
20 29 that the incapacity is likely to be permanent, and that the  
20 30 member should be retired. However, if a person's membership  
20 31 in the system first commenced on or after July 1, 1992, the  
20 32 member shall not be eligible for benefits with respect to a  
20 33 disability which would not exist, but for a medical condition  
20 34 that was known to exist on the date that membership commenced.  
20 35 A medical condition shall be deemed to have been known to exist



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

21 1 on the date that membership commenced if the medical condition  
21 2 is reflected in any record or document completed or obtained  
21 3 in accordance with the system's medical protocols pursuant to  
21 4 section 400.8, or in any other record or document obtained  
21 5 pursuant to an application for disability benefits from the  
21 6 system, if such record or document existed prior to the date  
21 7 membership commenced. A member who is denied a benefit under

21 8 this subsection, by reason of a finding by the medical board  
21 9 that the member is not mentally or physically incapacitated  
21 10 for the further performance of duty, shall be entitled to  
21 11 be restored to active service in the same position held  
21 12 immediately prior to the application for disability benefits.  
21 13 The member=in=good=standing requirement of this subsection  
21 14 may be waived for good cause as determined by the board. The  
21 15 burden of establishing good cause is on the member.

21 16 Sec. 45. Section 411.6, subsection 8, paragraph c,  
21 17 subparagraph (1), Code Supplement 2009, is amended to read as  
21 18 follows:

21 19 (1) The spouse, regardless of whether the spouse was  
21 20 designated by the member to the system as the member's  
21 21 beneficiary.

21 22 Sec. 46. Section 411.6, subsection 8, paragraph d,  
21 23 subparagraph (1), Code Supplement 2009, is amended to read as  
21 24 follows:

21 25 (1) To the member's surviving spouse, unless the surviving  
21 26 spouse selected the pension under paragraph "b".

21 27 Sec. 47. Section 411.6B, Code 2009, is amended by adding the  
21 28 following new subsection:

21 29 NEW SUBSECTION. 3. a. For distributions after December  
21 30 31, 2009, a nonspouse beneficiary who is a designated  
21 31 beneficiary may roll over all or any portion of the  
21 32 beneficiary's distribution to an individual retirement account  
21 33 the beneficiary establishes for purposes of receiving the  
21 34 distribution by means of a direct rollover. In order to  
21 35 qualify for a rollover under this subsection, the distribution



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2502 - Introduced continued

22 1 must otherwise satisfy the definition of an eligible  
22 2 rollover distribution. If a nonspouse beneficiary receives a  
22 3 distribution from the system, the distribution is not eligible  
22 4 for a sixty-day rollover.  
22 5     b. If the member's named beneficiary is a trust, the system  
22 6 may make a direct rollover to an individual retirement account  
22 7 on behalf of the trust, provided the trust satisfies the  
22 8 requirements to be a designated beneficiary within the meaning  
22 9 of Internal Revenue Code section 401(a)(9)(E).  
22 10     c. A nonspouse beneficiary may not roll over an amount  
22 11 which is a required minimum distribution, as determined  
22 12 under applicable United States treasury regulations and  
22 13 other federal Internal Revenue Service guidance. If the  
22 14 participant dies before the participant's required beginning  
22 15 date and the nonspouse beneficiary rolls over to an individual  
22 16 retirement account the maximum amount eligible for rollover,  
22 17 the beneficiary may elect to use either the five-year rule or  
22 18 the life expectancy rule, pursuant to applicable United States  
22 19 treasury regulations as provided in 26 C.F.R. { 1.401(a)(9)-3,  
22 20 in determining the required minimum distributions from the  
22 21 individual retirement account that receives the nonspouse  
22 22 beneficiary's distribution.  
22 23     Sec. 48. Section 411.8, subsection 1, paragraph b,  
22 24 subparagraph (1), Code Supplement 2009, is amended to read as  
22 25 follows:  
22 26     (1) On the basis of the actuarial methods and assumptions,  
22 27 rate of interest, and of the mortality, interest and other  
22 28 tables adopted by the system, the actuary engaged by the system  
22 29 to make each valuation required by this chapter pursuant to the  
22 30 requirements of section 411.5, shall immediately after making  
22 31 such valuation, determine the normal contribution rate. Except  
22 32 as otherwise provided in this lettered paragraph, the "normal  
22 33 contribution rate" shall be the rate percent of the earnable  
22 34 compensation of all members equal to the rate required by the  
22 35 system to discharge its liabilities, stated as a percentage of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

23 1 the earnable compensation of all members, and reduced by the  
23 2 employee contribution rate provided in paragraph "f" of this  
23 3 subsection and the contribution rate representing ~~the~~ any state  
23 4 appropriation made ~~as provided in section 411.20~~. However,  
23 5 the normal contribution rate shall not be less than seventeen  
23 6 percent.

23 7 Sec. 49. Section 411.9, Code 2009, is amended by adding the  
23 8 following new subsection:

23 9 NEW SUBSECTION. 1A. In the case of a member's death  
23 10 occurring on or after January 1, 2007, if the member dies while  
23 11 performing qualified military service as defined in section  
23 12 414(u) of the Internal Revenue Code, the survivors of the  
23 13 member are entitled to any additional benefits, other than  
23 14 benefit accruals relating to the period of qualified military  
23 15 service, provided by the system as if the member had resumed  
23 16 membership service and had died as the natural and proximate  
23 17 result of an injury or disease incurred in or aggravated by the  
23 18 actual performance of duty at some definite time and place.

23 19 Sec. 50. Section 411.9, Code 2009, is amended by adding the  
23 20 following new subsection:

23 21 NEW SUBSECTION. 1B. For years beginning after December  
23 22 31, 2008, if a member who is absent while serving in the armed  
23 23 services of the United States is receiving a differential wage  
23 24 payment, as defined in section 3401(h)(2) of the Internal  
23 25 Revenue Code, from a participating city, all of the following  
23 26 shall apply:

23 27 a. The member is treated as an employee of the employer  
23 28 making the payment and as an active member of the system.

23 29 b. The differential wage payment is treated as earnable  
23 30 compensation of the member.

23 31 c. The system is not treated as failing to meet the  
23 32 requirements of any provision described in section 414(u)(1)(C)  
23 33 of the Internal Revenue Code by reason of any contribution or  
23 34 benefit which is based on the differential wage payment.

23 35 Sec. 51. NEW SECTION. 411.36A Benefits advisory committee.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2502 - Introduced continued

24 1     1. A benefits advisory committee shall be established whose  
24 2 duty is to consider and make recommendations to the general  
24 3 assembly concerning the provision of benefits and services  
24 4 to members of the retirement system. The benefits advisory  
24 5 committee shall consist of five voting members who shall be as  
24 6 follows:

24 7     a. A fire fighter, who is either an active or retired member  
24 8 of the retirement system. The fire fighter shall be appointed  
24 9 by the governing body of the Iowa association of professional  
24 10 fire fighters.

24 11     b. A police officer, who is either an active or retired  
24 12 member of the retirement system. The police officer shall  
24 13 be appointed by the governing body of the Iowa state police  
24 14 association.

24 15     c. Two representatives from different participating cities  
24 16 of the system. The members authorized pursuant to this  
24 17 paragraph shall be appointed by the governing body of the Iowa  
24 18 league of cities.

24 19     d. One citizen who does not hold another public office. The  
24 20 citizen shall be appointed by the other members of the advisory  
24 21 committee.

24 22     2. Except as otherwise provided for the initial  
24 23 appointments, the voting members shall be appointed for  
24 24 four-year terms. Terms of voting members begin on May 1 in  
24 25 the year of appointment and expire on April 30 in the year of  
24 26 expiration.

24 27     3. Vacancies shall be filled in the same manner as original  
24 28 appointments. A vacancy shall be filled for the unexpired  
24 29 term.

24 30     4. The advisory committee shall elect a chairperson from  
24 31 among its own members.

24 32     5. a. The voting members of the advisory committee shall  
24 33 be paid their actual and necessary expenses incurred in the  
24 34 performance of their duties and shall receive a per diem as  
24 35 specified in section 7E.6 for each day of service. Per diem



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

25 1 and expenses shall be paid to voting members from the fire and  
25 2 police retirement fund created in section 411.8.  
25 3     b. A participating city shall allow an employee who is a  
25 4 member of the advisory committee to attend all meetings of  
25 5 the advisory committee. In their capacity as members of the  
25 6 advisory committee, which is an instrumentality of political  
25 7 subdivisions of the state, members of the advisory committee  
25 8 shall be deemed to be jointly serving the members of the system  
25 9 and the participating cities. The members of the advisory  
25 10 committee shall perform their duties in the best interest of  
25 11 the system. Advisory committee members who are employees  
25 12 of participating cities shall be allowed to attend advisory  
25 13 committee meetings without being required to use paid leave.  
25 14 Costs incurred by an advisory committee member which are  
25 15 associated with having a replacement perform the member's other  
25 16 duties for the participating city while serving in the capacity  
25 17 of a member of the advisory committee may be considered a  
25 18 necessary expense of the system.  
25 19     6. At least every two years, the benefits advisory committee  
25 20 shall review the benefits and services provided to members  
25 21 under this chapter, and the voting members of the committee  
25 22 shall make recommendations to the general assembly concerning  
25 23 the services provided to members and the benefits, benefits  
25 24 policy, and benefit goals, provided under this chapter.  
25 25     7. Administrative support. The system shall provide  
25 26 administrative support for the advisory committee.  
25 27     Sec. 52. Section 411.37, subsections 2 and 3, Code 2009, are  
25 28 amended to read as follows:  
25 29     2. The board shall include in the transition plan or other  
25 30 transition documents, provisions to facilitate continuity under  
25 31 sections ~~411.20~~, ~~411.21~~, and 411.30, and any appropriations to  
25 32 the system from the state.  
25 33     3. For each of the fiscal years beginning July 1, 1990,  
25 34 and July 1, 1991, ten percent of the amount appropriated by  
25 35 the state for distribution to cities ~~as provided in section~~



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

~~House File 2502 — Introduced continued~~

~~26~~ 1 ~~411.20~~ shall be made available to the board of trustees for  
 26 2 the statewide system to cover the administrative costs of the  
 26 3 transition. The amount distributed to each city shall be  
 26 4 reduced accordingly. The moneys remaining unencumbered or  
 26 5 unexpended at the end of the fiscal year beginning July 1,  
 26 6 1990, and the moneys remaining unencumbered or unexpended on  
 26 7 January 1, 1992, shall be credited to the cities in the same  
 26 8 proportion as the reduction.

26 9     Sec. 53. REPEAL. Section 411.20, Code 2009, is repealed.

26 10    Sec. 54. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM FUND ==  
 26 11 APPROPRIATIONS.

26 12    1. There is appropriated from the general fund of the state  
 26 13 for deposit in the statewide fire and police retirement fund  
 26 14 created in section 411.8, for the designated fiscal years, the  
 26 15 following amounts:

26 16	FY 2010=2011 .....	\$ 1,500,000
26 17	FY 2011=2012 .....	\$ 750,000

26 18    2. Moneys appropriated by the state pursuant to this section  
 26 19 shall not be used to reduce the normal rate of contribution of  
 26 20 any city below 17 percent.

26 21    Sec. 55. STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM ==  
 26 22 ADVISORY COMMITTEE REPORT.

26 23    1. The benefits advisory committee of the statewide fire  
 26 24 and police retirement system created in chapter 411, as enacted  
 26 25 by this division of this Act, shall conduct a comprehensive  
 26 26 examination of the plan design of the statewide fire and police  
 26 27 retirement system, pursuant to the principles established  
 26 28 in chapter 97D, with the goal of making recommendations for  
 26 29 benefit and other statutory changes to the system that will  
 26 30 maintain an adequate retirement for members at a reasonable  
 26 31 cost to members and employers.

26 32    2. On or before October 15, 2011, the benefits advisory  
 26 33 committee shall file a report with the legislative services  
 26 34 agency, for distribution to the public retirement systems  
 26 35 committee, which contains the results of the comprehensive



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

27 1 examination and any recommendations for benefit or other  
27 2 statutory changes to the system.  
27 3 Sec. 56. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
27 4 APPLICABILITY. The section of this division of this Act  
27 5 enacting section 411.9, subsection 1A, being deemed of  
27 6 immediate importance, take effect upon enactment and applies  
27 7 retroactively to deaths occurring on or after January 1, 2007.

27 8 Sec. 57. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
27 9 APPLICABILITY. The section of this division of this Act  
27 10 enacting section 411.9, subsection 1B, being deemed of  
27 11 immediate importance, takes effect upon enactment and applies  
27 12 retroactively to years beginning after December 31, 2008.

27 13 EXPLANATION

27 14 This bill makes numerous changes to public retirement  
27 15 systems, including the public safety peace officers'  
27 16 retirement, accident, and disability system, the Iowa public  
27 17 employees' retirement system, and the statewide fire and police  
27 18 retirement system. The bill may include a state mandate as  
27 19 defined in Code section 25B.3. The state mandate funding  
27 20 requirement in Code section 25B.2, however, does not apply to  
27 21 public employee retirement systems. The changes to each public  
27 22 retirement system are as follows:

27 23 PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM  
27 24 (PORS). Code section 97A.1(6), concerning the definition of  
27 25 child, is amended by correcting a reference to the federal  
27 26 Social Security Act.

27 27 Code section 97A.6(5)(b), concerning the continuation of  
27 28 peace officer pay and allowances while the peace officer  
27 29 is temporarily incapacitated, is amended by striking this  
27 30 provision and transferring it to Code section 80.8.

27 31 Code section 97A.6(7), concerning reexamination of  
27 32 disability retirees, is amended to require a disability retiree  
27 33 to provide the PORS board a copy of the beneficiary's federal  
27 34 individual tax return and such other information the system  
27 35 deems necessary. Current law only requires the beneficiary to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

28 1 provide a copy of the beneficiary's state income tax return.  
28 2 The subsection is also amended to provide that a disability  
28 3 beneficiary who is restored to active service and then  
28 4 subsequently retires is entitled to service credit for no more  
28 5 than two years of the period of disability retirement. Current  
28 6 law allows a service credit for all years of the disability  
28 7 retirement.  
28 8 Code section 97A.8, concerning the financing of PORS, is  
28 9 amended. The bill provides that the employer contribution rate  
28 10 will continue to increase 2 percentage points per year until  
28 11 reaching the lesser of 37 percent or the amount determined  
28 12 actuarially beginning July 1, 2017. Current law increases  
28 13 the employer contribution rate by 2 percentage points until  
28 14 reaching a maximum of the lesser of 27 percent or the amount  
28 15 determined actuarially beginning July 1, 2012. The bill also  
28 16 increases the employee contribution rate by 0.5 percentage  
28 17 points for four years beginning July 1, 2011, from 9.35 percent  
28 18 of pay, until reaching 11.35 percent beginning on and after  
28 19 July 1, 2014. The section is also amended to provide that  
28 20 the cost to cover any increase in cost to PORS resulting from  
28 21 any statutory changes enacted after January 1, 2011, shall be  
28 22 divided with 60 percent of the increased cost paid by employers  
28 23 and 40 percent by the employees, if the increased cost cannot  
28 24 be absorbed within the contribution rates otherwise established  
28 25 at that time.  
28 26 Code section 97A.10, concerning purchase of eligible service  
28 27 credit, is amended. The bill provides that a member of PORS  
28 28 who was a member of the municipal fire and police retirement  
28 29 system (MFPRSI) prior to January 1, 1992, may purchase service  
28 30 under PORS for service under MFPRSI that was not eligible to  
28 31 be transferred to PORS by paying the actuarial cost of the  
28 32 purchase less an amount equal to the contributions the member  
28 33 made to MFPRSI for that service. The bill provides for an  
28 34 appropriation to the retirement fund for the cost of providing  
28 35 this purchase of service credit.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

29 1 Code section 97A.11, concerning contributions by the state,  
29 2 is amended to provide that the PORS board shall certify the  
29 3 state's contribution rate for the upcoming fiscal year by  
29 4 January, instead of November.  
29 5 New Code section 97A.11A provides for a supplemental  
29 6 appropriation from the general fund to the PORS retirement fund  
29 7 of \$5 million per fiscal year, beginning July 1, 2012, until  
29 8 the end of the fiscal year in which PORS reaches a funded ratio  
29 9 of assets to liabilities of at least 85 percent.  
29 10 Code section 97A.14, concerning hospitalization and medical  
29 11 attention for members injured while in the performance of  
29 12 their duties, is amended to provide a description of what  
29 13 constitutes medical attention, require beneficiaries to submit  
29 14 reimbursement claims within 12 months, and provide that the  
29 15 requirement to provide reimbursement ceases once the disability  
29 16 beneficiary is no longer receiving a disability retirement  
29 17 benefit.  
29 18 The bill provides that it is the intent of the general  
29 19 assembly that the applicable amount used for each adjustment  
29 20 of a pension payable to retired members as provided in Code  
29 21 section 97A.6(14)(a)(2) shall be the exact dollar amount listed  
29 22 for each year described in statute.  
29 23 The bill directs the PORS board to conduct a comprehensive  
29 24 examination of the plan design of PORS and to submit a report,  
29 25 by October 15, 2011, to the public retirement systems committee  
29 26 concerning the results of the examination and any other  
29 27 recommendations for benefit or other statutory changes to PORS.  
29 28 The PORS board is also directed to conduct a contribution rate  
29 29 study for submission to the public retirement systems committee  
29 30 by October 15, 2015.  
29 31 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS). Code  
29 32 section 97B.1A, is amended to add a definition for final  
29 33 average covered wage. The bill provides that a member's final  
29 34 average covered wage is the greater of the member's highest  
29 35 five years of a covered wage or the member's three-year average



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2502 - Introduced continued

30 1 covered wage as of June 30, 2012. The new definition provides  
30 2 that a member's highest five years of covered wages shall be  
30 3 the lesser of the member's highest five years of covered wages  
30 4 or an amount equal to 134 percent of the member's highest  
30 5 calendar year of wages not used in calculating the member's  
30 6 five-year average covered wage. The bill provides that for the  
30 7 period from July 1, 2010, until June 30, 2012, a member's final  
30 8 average covered wage shall be the member's three-year average  
30 9 covered wage.

30 10 Code section 98B.1A(25), concerning the definition of vested  
30 11 member, is amended to provide that beginning July 1, 2012, a  
30 12 member in regular service shall be vested if the member has  
30 13 completed at least seven years of service or has attained  
30 14 the age of 65 or greater while in covered employment. For  
30 15 members in special service, the bill provides that a member  
30 16 is vested if the member has completed at least four years of  
30 17 special service or has attained the age of 55 or greater while  
30 18 in covered employment. Current law provides that for both  
30 19 members in regular and special service, a member is vested  
30 20 upon completing at least four years of any service or has  
30 21 attained the age of 55 while an active member of the system.  
30 22 The bill establishes a definition for vested by service which  
30 23 is included within the definition of vested member and includes  
30 24 only those vesting provisions which are based upon years of  
30 25 membership service and not solely based upon the age of the  
30 26 member.

30 27 Code section 97B.4(2)(c) is amended by striking the  
30 28 provision which authorized the system to enter into a biennial  
30 29 agreement with the department of administrative services  
30 30 concerning the sharing of resources between IPERS and the  
30 31 department.

30 32 Code section 97B.4(4)(a), concerning the annual report  
30 33 to the governor, is amended by striking the inclusion of  
30 34 information relative to investment management expenses  
30 35 described in Code section 97B.7(3)(d). Legislation enacted



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2502 - Introduced continued

31 1 in 2008 struck the requirement in Code section 97B.7(3)(d)  
31 2 limiting investment management expenses to 0.4 percent of the  
31 3 fund value.  
31 4 Code section 97B.11, concerning contributions by employer  
31 5 and employee, is amended to provide that beginning July  
31 6 1, 2011, the required contribution for IPERS regular  
31 7 servicemembers may vary by 1 percentage point from the required  
31 8 contribution rate for the previous year. Current law only  
31 9 allows a 0.5 percentage point variance and also applies to all  
31 10 categories of IPERS members. The bill also provides that the  
31 11 required contribution rate for regular members in IPERS shall  
31 12 be 13.45 percent for the fiscal year beginning July 1, 2011.  
31 13 Code section 97B.49A, concerning the calculation of a  
31 14 retirement allowance for regular members of IPERS, is amended  
31 15 to provide that the benefit shall be calculated using the  
31 16 member's final average covered wage and not the member's  
31 17 three-year average covered wage.  
31 18 Code section 97B.49D, concerning the hybrid formula, is  
31 19 amended to provide that a person is eligible to utilize this  
31 20 formula if the member is vested by service, based upon the  
31 21 new definition added in this bill. The Code section is also  
31 22 amended to provide that the calculation of the regular member's  
31 23 portion of the benefit shall be calculated using the member's  
31 24 final average covered wage and not the member's three-year  
31 25 average covered wage.  
31 26 Code section 97B.50, concerning penalties for early  
31 27 retirement, is amended to provide that for a member who is  
31 28 not vested on June 30, 2012, and who retires and receives a  
31 29 retirement allowance prior to the member's normal retirement  
31 30 date, the retirement allowance shall be reduced by 0.5 percent  
31 31 for each month the early retirement date precedes the date  
31 32 the member attains age 65. If the member is vested on June  
31 33 30, 2012, the bill provides that the portion of the member's  
31 34 retirement allowance based upon years of service prior to June  
31 35 30, 2012, shall be reduced, based on current law, by 0.25



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2502 - Introduced continued

32 1 percent for each month that the retirement allowance precedes  
32 2 the member's earliest normal retirement date and the portion of  
32 3 the member's retirement allowance based upon years of service  
32 4 after June 30, 2012, shall be reduced in the same manner as for  
32 5 members who were not vested on June 30, 2012. This provision  
32 6 takes effect June 30, 2012.

32 7 Code section 97B.50A, concerning disability benefits for  
32 8 special service members, is amended to provide that certain  
32 9 cancers and infectious diseases contracted by special service  
32 10 members in a protection occupation are presumed to be a disease  
32 11 contracted while on active duty due to the job for purposes of  
32 12 establishing a disability pension or providing a death benefit.

32 13 Code section 97B.52, concerning death benefits, is amended  
32 14 to utilize the years-of-service definition created in this  
32 15 bill.

32 16 Code section 97B.52A, concerning the determination of a  
32 17 bona fide retirement under IPERS, is amended. Current law  
32 18 allows, until July 2010, a person to retire, receive retirement  
32 19 benefits, and to return to covered employment as a licensed  
32 20 health care professional at a public hospital after one month  
32 21 and still receive retirement benefits. Most retirees under  
32 22 IPERS are not allowed to return to covered employment and  
32 23 continue to receive retirement benefits until at least four  
32 24 months after they retire. The bill extends the sunset of  
32 25 this shortened period for licensed health care professionals  
32 26 from July 2010 to July 2012. This provision of the bill also  
32 27 provides that a person retired under IPERS may return to  
32 28 noncovered employment as a member of the national guard called  
32 29 to state active duty at any time for purposes of determining a  
32 30 bona fide retirement under IPERS. These provisions take effect  
32 31 upon enactment and the provision relative to the national guard  
32 32 is retroactively applicable to May 25, 2008.

32 33 2009 Iowa Acts, chapter 170, is amended. That provision  
32 34 allowed an IPERS member to purchase additional wage credits  
32 35 equal to the pay the member would have received if the member



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2502 - Introduced continued

33 1 was not furloughed and received a reduction in pay from  
33 2 January 1, 2009, until June 30, 2010. The bill extends this  
33 3 provision until June 30, 2011, and allows a person who has  
33 4 an employee=exercised reduction in pay by means of taking  
33 5 a reduction in pay through exercising union bumping rights  
33 6 the ability to purchase these wage credits. This provision  
33 7 takes effect upon enactment and is retroactively applicable to  
33 8 January 1, 2009.  
33 9 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM (MFPRSI).  
33 10 Code section 411.1(22), concerning the definition of surviving  
33 11 spouse, is amended to provide that the term is not limited to  
33 12 situations in which the member was in active service at the  
33 13 time of death.  
33 14 Code section 411.6(3), concerning ordinary disability  
33 15 retirement benefit, is amended to define knowledge of a  
33 16 preexisting medical condition that may disqualify a person from  
33 17 benefits in the same manner as it is defined for purposes of an  
33 18 accidental disability retirement under section 411.6(5).  
33 19 Code section 411.6(8), concerning ordinary death benefits,  
33 20 is amended to provide that a surviving spouse may elect a  
33 21 pension in lieu of the death benefit otherwise payable if the  
33 22 surviving spouse is the beneficiary based on the member's  
33 23 designation or by default if the member did not designate a  
33 24 beneficiary or the designated beneficiary predeceased the  
33 25 member.  
33 26 Code section 411.6B, concerning rollovers of member's  
33 27 accounts, is amended to comply with the nonspouse rollover  
33 28 mandate of the federal Worker, Retiree, and Employer Recovery  
33 29 Act of 2008.  
33 30 Code section 411.9, concerning military service, is amended.  
33 31 New subsection 1A provides that if a member dies while  
33 32 performing qualified military service, the member shall be  
33 33 treated as if the member was an active employee under MFPRSI  
33 34 for purposes of determining benefits under MFPRSI arising out  
33 35 of that date. This provision takes effect upon enactment and



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2502 - Introduced continued

34 1 applies to deaths occurring on or after January 1, 2007.  
34 2     New subsection 1B provides that if a member who is absent  
34 3 while serving in the armed services is receiving a differential  
34 4 wage from the member's city, the member is treated as an  
34 5 employee of the employer making the payment and an active  
34 6 member of the system, the differential wage payment is treated  
34 7 as earnable compensation of the member, and the system is not  
34 8 treated as failing to meet the requirements of any provision  
34 9 described in the federal Internal Revenue Code by reason of  
34 10 any contribution or benefit which is based on the differential  
34 11 wage payment. This provision takes effect upon enactment and  
34 12 applies retroactively to December 31, 2008.  
34 13     Code section 411.20, concerning a state appropriation  
34 14 to MFPRSI, is repealed. That Code section required an  
34 15 appropriation from the general fund of the state to MFPRSI  
34 16 for each fiscal year an amount necessary to finance the cost  
34 17 of benefits provided in Code chapter 411 by amendments of the  
34 18 Acts of the Sixty=sixth General Assembly. Code section 8.59  
34 19 had frozen this appropriation to those amounts expended for the  
34 20 fiscal year commencing July 1, 1992. The bill does provide  
34 21 that an appropriation to MFPRSI from the general fund during FY  
34 22 2010=2011 of \$1,500,000, and during FY 2011=2012 of \$750,000.  
34 23     New Code section 411.36A establishes a benefits advisory  
34 24 committee within MFPRSI whose duty is to consider and make  
34 25 recommendations to the general assembly concerning benefits  
34 26 and services provided to members of MFPRSI. The bill provides  
34 27 that the committee shall consist of five voting members, two  
34 28 from participating cities appointed by the Iowa league of  
34 29 cities, one active or retired fire fighter appointed by the  
34 30 Iowa association of professional fire fighters, one active  
34 31 or retired police officer appointed by the Iowa state police  
34 32 association, and one citizen member appointed by the other  
34 33 members of the committee.  
34 34     The bill also directs the MFPRSI benefits advisory committee  
34 35 to conduct a comprehensive examination of the plan design of



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2502 - Introduced continued

35 1 MFPRSI and to submit a report, by October 15, 2011, to the  
35 2 public retirement systems committee concerning the results of  
35 3 the examination and any other recommendations for benefit or  
35 4 other statutory changes to MFPRSI.

LSB 5346HV (3) 83

ec/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2503 - Introduced**

HOUSE FILE  
BY COMMITTEE ON NATURAL  
RESOURCES

(SUCCESSOR TO HSB 700)

**A BILL FOR**

1 An Act creating a natural resources and outdoor recreation  
2 trust fund to implement a proposed amendment to the  
3 Constitution of the State of Iowa, and providing for  
4 contingent implementation.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5177HV (2) 83  
da/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

PAG LIN

1 1 SUBCHAPTER I  
1 2 GENERAL PROVISIONS  
1 3 Section 1. NEW SECTION. 461.1 Title.  
1 4 This Act shall be known and may be cited as the natural  
1 5 resources and outdoor recreation Act.  
1 6 Sec. 2. NEW SECTION. 461.2 Definitions.  
1 7 As used in this chapter, unless the context otherwise  
1 8 requires:  
1 9 1. "Department" means the department of agriculture and  
1 10 land stewardship, the department of natural resources, or the  
1 11 department of transportation.  
1 12 2. "Fiscal year" means the state fiscal year effective as  
1 13 provided in section 3.12.  
1 14 3. "Initiative" includes a program, project, practice,  
1 15 strategy, or plan established or administered by an agency that  
1 16 furthers a constitutional purpose as provided in section 461.3.  
1 17 4. "Recreational purpose" includes hunting, trapping,  
1 18 angling, horseback riding, swimming, boating, camping,  
1 19 picnicking, hiking, bird watching, nature study, water skiing,  
1 20 snowmobiling, other summer and winter sports, and viewing or  
1 21 enjoying historical, archaeological, scenic, or scientific  
1 22 sites.  
1 23 5. "Trust fund" means the natural resources and outdoor  
1 24 recreation trust fund created in section 461.3.  
1 25 6. "Trust fund moneys" means moneys originating from the  
1 26 natural resources and outdoor recreation trust fund.  
1 27 Sec. 3. NEW SECTION. 461.3 Constitutional purpose and  
1 28 implementation.  
1 29 1. This chapter is created for the constitutional purposes  
1 30 of protecting and enhancing water quality and natural areas  
1 31 in this state including parks, trails, and fish and wildlife  
1 32 habitat, and conserving agricultural soils in this state.  
1 33 2. This chapter is intended to implement Article VII,  
1 34 section 10 of the Constitution of the State of Iowa by  
1 35 establishing the natural resources and outdoor recreation



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

2 1 trust fund, accounts in the trust fund, and appropriating or  
2 2 allocating trust fund moneys to support initiatives specified  
2 3 in subchapter IV.

2 4 SUBCHAPTER II  
2 5 PARTICIPATION

2 6 Sec. 4. NEW SECTION. 461.11 Departmental consultation.

2 7 1. When making decisions regarding the expenditure of  
2 8 trust fund moneys affecting soil and water conservation, the  
2 9 secretary of agriculture shall regularly consult with the  
2 10 soil conservation committee established in section 161A.4.  
2 11 When making decisions regarding the expenditure of trust fund  
2 12 moneys affecting natural resources and outdoor recreation the  
2 13 director of the department of natural resources shall regularly  
2 14 consult with the natural resource commission established  
2 15 pursuant to section 455A.5. When making decisions regarding  
2 16 the expenditure of trust fund moneys affecting trails, the  
2 17 department of transportation shall consult with the state  
2 18 transportation commission as provided in chapter 307A.

2 19 2. The heads of each department receiving trust fund moneys  
2 20 shall regularly meet and whenever practicable collaborate in  
2 21 decision-making including by adopting rules, establishing  
2 22 funding priorities, and determining when it is beneficial to  
2 23 provide joint funding of initiatives.

2 24 SUBCHAPTER III  
2 25 ADMINISTRATION

2 26 Sec. 5. NEW SECTION. 461.21 Audit.

2 27 1. The treasurer of state shall certify monthly that trust  
2 28 fund moneys are allocated to the various funds and accounts as  
2 29 provided in subchapter IV.

2 30 2. The auditor of state or a certified public accounting  
2 31 firm appointed by the auditor of state shall conduct an annual  
2 32 audit of the trust fund and all accounts and transactions of  
2 33 the trust fund and accounts.

2 34 3. The auditor of state or the certified public accounting  
2 35 firm appointed by the auditor as provided in subsection 2 shall



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

3 1 be paid from trust fund moneys without reducing the percentage  
3 2 of trust fund moneys distributed to the Iowa resources  
3 3 enhancement and protection fund or any one account established  
3 4 pursuant to this chapter.

3 5 Sec. 6. NEW SECTION. 461.22 Report.

3 6 The three departments together with the treasurer of state  
3 7 and the auditor of state shall jointly prepare and submit to  
3 8 the governor and the general assembly not later than January  
3 9 15 of each year a complete report in an electronic format  
3 10 detailing all of the following:

3 11 1. The receipts and expenditures of the trust fund and its  
3 12 accounts, a summary of initiatives supported by trust fund  
3 13 moneys, the results of those expenditures, any performance  
3 14 goals or measurements, and plans for future short-term or  
3 15 long-term expenditures.

3 16 2. Recommendations to the general assembly, including  
3 17 legislation proposed by one or more of the departments.

3 18 Sec. 7. NEW SECTION. 461.23 Rules.

3 19 The treasurer of state, the auditor of state, the  
3 20 department of revenue, and the department of agriculture and  
3 21 land stewardship, the department of natural resources, and  
3 22 department of transportation shall adopt rules separately or  
3 23 jointly as necessary in order to implement and administer this  
3 24 chapter.

3 25 SUBCHAPTER IV

3 26 NATURAL RESOURCES AND OUTDOOR RECREATION TRUST FUND  
3 27 AND DISTRIBUTIONS TO SUPPORT DEDICATED PURPOSES

3 28 Sec. 8. NEW SECTION. 461.31 Natural resources and outdoor  
3 29 recreation trust fund == creation.

3 30 A natural resources and outdoor recreation trust fund is  
3 31 created within the state treasury.

3 32 1. The trust fund shall be composed of moneys required to  
3 33 be credited to the trust fund by law and moneys accepted by  
3 34 a department for placement in an account established in this  
3 35 subchapter and from any source.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

4 1 2. Trust fund moneys are exclusively appropriated by law  
4 2 to carry out the constitutional purposes provided in section  
4 3 461.3.  
4 4 3. Trust fund moneys shall supplement and not replace  
4 5 moneys appropriated by the general assembly to support the  
4 6 constitutional purposes provided in section 461.3.  
4 7 4. Trust fund moneys shall only be used to support voluntary  
4 8 initiatives and shall not be used for regulatory efforts,  
4 9 enforcement actions, or litigation.  
4 10 5. In administering a trust fund account, a department  
4 11 may contract, sue and be sued, and authorize payment for  
4 12 costs, fees, commissions, and other reasonable expenses from  
4 13 the account. However, a department shall not in any manner  
4 14 directly or indirectly pledge the credit of this state.  
4 15 6. Notwithstanding section 8.33, any unexpended balance in  
4 16 the trust fund or in an account created within the trust fund  
4 17 at the end of each fiscal year shall be retained in the trust  
4 18 fund or the respective account. Notwithstanding section 12C.7,  
4 19 subsection 2, interest or earnings on investments or time  
4 20 deposits of the moneys in the trust fund and its respective  
4 21 accounts shall be credited to the trust fund and its respective  
4 22 accounts. The recapture of awards originating from an account  
4 23 and other repayments to an account shall be retained in that  
4 24 account.  
4 25 Sec. 9. NEW SECTION. 461.32 Natural resources account ==  
4 26 allocations.  
4 27 A natural resources account is created in the trust fund.  
4 28 Twenty=three percent of the moneys credited to the trust fund  
4 29 shall be allocated to the account.  
4 30 1. The account shall be used by the department of natural  
4 31 resources to support all of the following initiatives:  
4 32 a. The establishment, maintenance, restoration,  
4 33 improvement, or enhancement of state parks, state preserves,  
4 34 state forests, wildlife areas, wildlife habitats, native  
4 35 prairies, and wetlands.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

- 5 1       b. Wildlife diversity.  
5 2       c. Recreational purposes.  
5 3       d. Technical assistance and financial incentives to private  
5 4 landowners to promote the management of forests, fisheries,  
5 5 wetlands, and wildlife.  
5 6       e. The improvement of water trails, rivers, and streams.  
5 7       f. Education and outreach that provide instruction regarding  
5 8 natural history and the outdoors. The subjects of such  
5 9 instruction may relate to opportunities involving recreational  
5 10 purposes, outdoor safety, and ethics.  
5 11       g. State conservation law enforcement.  
5 12       2. The department of natural resources shall to every extent  
5 13 possible consider its comprehensive plan provided in section  
5 14 456A.31 when making funding decisions.  
5 15       Sec. 10. NEW SECTION. 461.33 Soil conservation and water  
5 16 protection account == allocations.  
5 17       A soil conservation and water protection account is created  
5 18 in the trust fund. Twenty percent of the moneys credited to  
5 19 the trust fund shall be allocated to the account.  
5 20       1. The account shall be used by the department of  
5 21 agriculture and land stewardship to support all of the  
5 22 following initiatives:  
5 23       a. Soil conservation and watershed protection, including  
5 24 by supporting the soil conservation division of the department  
5 25 of agriculture and land stewardship and soil and water  
5 26 conservation district commissioners. The department may  
5 27 provide for the installation of conservation practices and  
5 28 watershed protection improvements as provided in chapters 161A,  
5 29 161C, 461A, 466, and 466A.  
5 30       b. The conservation of highly erodible land. The department  
5 31 of agriculture and land stewardship may execute contracts with  
5 32 private landowners who agree to reserve such land only for uses  
5 33 that prevent erosion in excess of the applicable soil loss  
5 34 limits as established in section 161A.44.  
5 35       c. Soil conservation or crop management practices used on



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

6 1 land producing biomass for biorefineries, including cellulosic  
6 2 ethanol production.  
6 3 2. The department of agriculture and land stewardship may  
6 4 use the account to provide financial incentives or technical  
6 5 assistance to landowners.  
6 6 Sec. 11. NEW SECTION. 461.34 Watershed protection account ==  
6 7 allocations.  
6 8 A watershed protection account is created in the trust fund.  
6 9 Fourteen percent of the moneys credited to the trust fund shall  
6 10 be allocated to the account.  
6 11 1. The account shall be used cooperatively by the department  
6 12 of natural resources and the department of agriculture and land  
6 13 stewardship to support all of the following initiatives:  
6 14 a. Water resource projects administered by the department  
6 15 of natural resources to preserve watersheds, including but not  
6 16 limited to all of the following:  
6 17 (1) Projects to protect, restore, or enhance water quality  
6 18 in the state through the provision of financial assistance to  
6 19 communities for impairment-based, locally directed watershed  
6 20 projects. The department may use the account to support the  
6 21 water resource restoration sponsor program as provided in  
6 22 section 455B.199.  
6 23 (2) Regional and community watershed assessment, planning,  
6 24 and prioritization efforts, including as provided in chapter  
6 25 466B.  
6 26 b. Surface water protection projects and practices  
6 27 administered by the department of agriculture and land  
6 28 stewardship or the department of natural resources, including  
6 29 but not limited to the installation of permanent vegetation  
6 30 cover, filter strips, grass waterways, and riparian forest  
6 31 buffers; dredging; and bank stabilization. The departments  
6 32 of agriculture and land stewardship and natural resources  
6 33 may use the account to support the conservation buffer strip  
6 34 program provided in section 466.4 and the conservation reserve  
6 35 enhancement program as provided in section 466.5.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

7 1 2. The departments' decision to prioritize initiatives may  
7 2 be based on the priority list of watersheds provided in section  
7 3 456A.33A.  
7 4 Sec. 12. NEW SECTION. 461.35 Iowa resources enhancement and  
7 5 protection fund == allocation.  
7 6 Thirteen percent of the moneys credited to the trust  
7 7 fund shall be allocated to the Iowa resources enhancement  
7 8 and protection fund created in section 455A.18 for further  
7 9 allocation as provided in section 455A.19.  
7 10 Sec. 13. NEW SECTION. 461.36 Local conservation partnership  
7 11 account == allocations.  
7 12 A local conservation partnership account is created in the  
7 13 trust fund. Thirteen percent of the moneys credited to the  
7 14 trust fund shall be allocated to the account.  
7 15 1. The department of natural resources shall allocate  
7 16 trust fund moneys in the account to local communities for the  
7 17 following initiatives:  
7 18 a. The maintenance and improvement of parks, preserves,  
7 19 wildlife areas, wildlife habitats, native prairies, and  
7 20 wetlands.  
7 21 b. Wildlife diversity.  
7 22 c. Recreational purposes.  
7 23 d. The improvement of water trails, rivers, and streams.  
7 24 e. Education and outreach programs and projects that provide  
7 25 instruction regarding natural history and the outdoors. The  
7 26 subjects of such instruction may relate to opportunities  
7 27 involving recreational purposes, outdoor safety, and ethics.  
7 28 f. Any other purpose described in section 350.1.  
7 29 2. A local community may cooperate with the state or the  
7 30 federal government to carry out the initiative. Two or more  
7 31 local communities may form an entity if allowed under chapter  
7 32 28E in order to carry out the initiative.  
7 33 3. As used in this section, "local community" means a county  
7 34 conservation board, a city, or a nongovernmental organization  
7 35 operating on a nonprofit basis.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2503 - Introduced continued

8 1     Sec. 14. NEW SECTION. 461.37 Trails account == allocations.  
8 2     A trails account is created in the trust fund. Ten percent  
8 3 of the moneys credited to the trust fund shall be allocated to  
8 4 the account.  
8 5     1. The department of transportation and the department  
8 6 of natural resources shall allocate moneys in the account to  
8 7 support initiatives related to the design, establishment,  
8 8 maintenance, improvement, and expansion of land trails. The  
8 9 land trails may be for equestrian use, bicycles, walking,  
8 10 hiking, nature study, or cross-country skiing.  
8 11     2. The department of natural resources may use the account  
8 12 to support the design, establishment, maintenance, improvement,  
8 13 and expansion of water trails.  
8 14     Sec. 15. NEW SECTION. 461.38 Lake restoration account ==  
8 15 allocations.  
8 16     A lake restoration account is created in the trust fund.  
8 17 Seven percent of the moneys credited to the trust fund shall  
8 18 be deposited to the account. The department of natural  
8 19 resources shall use moneys in the account to support public  
8 20 lake restoration initiatives as follows:  
8 21     1. An initiative shall account for a lake's recreational,  
8 22 environmental, aesthetic, ecological, and social value. It  
8 23 must improve water quality.  
8 24     2. The department's decision to prioritize an initiative  
8 25 may be based on the department's lake restoration plan and  
8 26 report as provided in section 456A.33B.  
8 27     Sec. 16. CONTINGENT IMPLEMENTATION. This Act shall be  
8 28 implemented on January 1, 2011, if the joint resolution  
8 29 proposing an amendment to the Constitution of the State of Iowa  
8 30 to dedicate a portion of state revenue from the tax imposed on  
8 31 certain retail sales of tangible personal property and services  
8 32 for the benefit of the state's natural resources, as passed for  
8 33 the second time by the general assembly as provided in 2009  
8 34 Iowa Acts, chapter 185, and submitted to the people of the  
8 35 State of Iowa at the general election in November 2010, in the



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

House File 2503 - Introduced continued

9 1 manner required by the Constitution of the State of Iowa and  
9 2 the laws of this state, is ratified.

9 3 EXPLANATION

9 4 BACKGROUND. In 2008, the 82nd General Assembly passed  
9 5 Senate Joint Resolution 2002 and in 2009 the 83rd General  
9 6 Assembly passed House Joint Resolution 1 proposing an amendment  
9 7 to the Constitution of the State of Iowa to dedicate a portion  
9 8 of state revenue from the tax imposed on certain retail sales  
9 9 of tangible personal property and services for the benefit  
9 10 of the state's natural resources. The resolution creates a  
9 11 natural resources and outdoor recreation trust fund within the  
9 12 state treasury and not within the general fund of the state.  
9 13 Moneys in the fund cannot be used for any purpose other than  
9 14 protecting and enhancing water quality and natural areas in  
9 15 this state including parks, trails, and fish and wildlife  
9 16 habitat, and conserving agricultural soils in this state. No  
9 17 revenue is credited to the fund until the sales and use tax  
9 18 rate is increased. Whenever the sales tax is increased, the  
9 19 amount generated by the increase is credited to the fund. If  
9 20 approved by a majority of Iowa voters, the constitution of  
9 21 the state is amended effective as of the date of the general  
9 22 election.

9 23 GENERAL. The bill creates a new Code chapter referred to  
9 24 as the natural resources and outdoor recreation Act. The bill  
9 25 provides that its purpose is to implement the constitutional  
9 26 purposes of protecting and enhancing water quality and natural  
9 27 areas in this state including parks, trails, and fish and  
9 28 wildlife habitat, and conserving agricultural soils in this  
9 29 state. The fund is administered by the treasurer of state  
9 30 and provides for distributions to support various initiatives  
9 31 to be carried out by the department of natural resources,  
9 32 the department of agriculture and land stewardship, and  
9 33 the department of transportation. An initiative includes a  
9 34 program, project, practice, strategy, or plan established  
9 35 or administered by an agency that furthers a constitutional



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2503 - Introduced continued

10 1 purpose.

10 2 PARTICIPATION. The bill requires the heads of the three  
10 3 departments who make decisions regarding the expenditure  
10 4 of trust fund moneys to consult with bodies that oversee  
10 5 policies concerned with natural resources. The director of  
10 6 the department of natural resources must consult with the  
10 7 natural resource commission, the secretary of agriculture must  
10 8 consult with the state soil conservation committee, and the  
10 9 director of the department of transportation must consult with  
10 10 the state transportation commission. The heads of the three  
10 11 departments must regularly meet together and collaborate when  
10 12 making decisions.

10 13 ADMINISTRATION. The bill requires annual audits by the  
10 14 auditor of state or a private accounting firm. Finally, the  
10 15 three departments together with the treasurer of state and  
10 16 auditor of state must submit an annual report to the governor  
10 17 detailing the management of the trust fund, decision-making,  
10 18 and the results of expenditures from the trust fund. The bill  
10 19 requires those agencies to adopt rules necessary to carry out  
10 20 their responsibilities.

10 21 TRUST FUND ESTABLISHED. The bill creates the trust  
10 22 fund, provides that moneys may be credited to the fund as  
10 23 provided by law or accepted by a decision-making department  
10 24 for placement in an account under its control. According to  
10 25 the bill, trust fund moneys shall supplement and not replace  
10 26 moneys appropriated by the general assembly to support the  
10 27 constitutional purposes, must be used to support voluntary  
10 28 initiatives, and must not be used for regulatory efforts,  
10 29 enforcement actions, or litigation. Moneys in a fund or  
10 30 account remain in the fund or account until expended and retain  
10 31 all earnings.

10 32 TRUST FUND ALLOCATIONS == NATURAL RESOURCES ACCOUNT. The  
10 33 bill creates a natural resources account and provides for the  
10 34 allocation of trust fund moneys to the account for use by the  
10 35 department of natural resources to support initiatives related



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2503 - Introduced continued

11 1 to state lands, wildlife, recreation, natural habitat, rivers  
11 2 and streams, education, and state conservation law enforcement.  
11 3 SOIL CONSERVATION AND WATER PROTECTION ACCOUNT. The bill  
11 4 creates a soil conservation and water protection account and  
11 5 provides for the allocation of trust fund moneys into the  
11 6 account for use by the department of agriculture and land  
11 7 stewardship to support initiatives related to soil conservation  
11 8 and watershed protection to support the department's soil  
11 9 conservation division and soil and water conservation  
11 10 district commissioners. The department may also provide for  
11 11 the conservation of highly erodible land and provide for  
11 12 soil conservation or crop management practices used on land  
11 13 producing biomass for biorefineries.  
11 14 WATERSHED PROTECTION ACCOUNT. The bill creates a watershed  
11 15 protection account and provides for the allocation of trust  
11 16 fund moneys into the account for use by the department of  
11 17 natural resources and the department of agriculture and land  
11 18 stewardship to support initiatives related to water resource  
11 19 initiatives, including for the protection, restoration, or  
11 20 enhancement of water quality in the state, and the installation  
11 21 of vegetation as soil or pollution barriers.  
11 22 IOWA RESOURCES ENHANCEMENT AND PROTECTION FUND. The bill  
11 23 provides for the allocation of trust fund moneys to the Iowa  
11 24 resources enhancement and protection fund for allocations as  
11 25 provided by law.  
11 26 LOCAL CONSERVATION PARTNERSHIP ACCOUNT. The bill creates  
11 27 a local conservation partnership account and provides for  
11 28 the allocation of trust fund moneys into the account for use  
11 29 by the department of natural resources to support community  
11 30 initiatives, including for parks, preserves, wildlife areas,  
11 31 wildlife habitats, native prairies, and wetlands; wildlife  
11 32 diversity; recreation; the improvement of water trails, rivers,  
11 33 and streams; and education and outreach. A local community  
11 34 is limited to a county conservation board, a city, or a  
11 35 nongovernmental organization operating on a nonprofit basis; or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2503 - Introduced continued

12 1 a city or county allowed to organize under a Code chapter 28E  
12 2 agreement.  
12 3 TRAILS ACCOUNT. The bill creates a trails account and  
12 4 provides for the allocation of trust fund moneys into the  
12 5 account for use by the department of transportation and  
12 6 the department of natural resources to support the design,  
12 7 establishment, maintenance, improvement, and expansion of land  
12 8 trails and water trails.  
12 9 LAKE RESTORATION ACCOUNT. The bill creates a lake  
12 10 restoration account and provides for the allocation of trust  
12 11 fund moneys into the account for use by the department of  
12 12 natural resources to support initiatives related to lake  
12 13 restoration taking into account a lake's recreational,  
12 14 environmental, aesthetic, ecological, and social value.  
12 15 CONTINGENT IMPLEMENTATION. The bill is to be implemented  
12 16 on January 1, 2011, if the joint resolution proposing the  
12 17 amendment to the Constitution of the State of Iowa is ratified.  
LSB 5177HV (2) 83  
da/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House File 2504 - Introduced**

HOUSE FILE  
BY COMMITTEE ON REBUILD  
IOWA AND DISASTER  
RECOVERY

(SUCCESSOR TO HF 2215)

**A BILL FOR**

1 An Act enhancing criminal fines and penalties in disaster  
2 areas, providing penalties, and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5910HV (2) 83  
jm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2504 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 902.15 Criminal offenses committed  
1 2 in federal and state disaster areas.  
1 3 1. When the president of the United States declares a major  
1 4 disaster exists in this state, or the governor proclaims a  
1 5 state of disaster emergency exists pursuant to section 29C.6,  
1 6 the court may double the minimum fine pursuant to section 902.9  
1 7 or the minimum civil penalty pursuant to section 907.14 for  
1 8 the following felony criminal offenses committed against or  
1 9 involving disaster=affected property in a disaster area if the  
1 10 offender knew or reasonably should have known the property was  
1 11 disaster=affected:  
1 12 a. Robbery in violation of section 711.3.  
1 13 b. Extortion in violation of section 711.4, subsection 7.  
1 14 c. Arson in violation of section 712.3.  
1 15 d. Explosive or incendiary material or device offenses in  
1 16 violation of section 712.6, subsection 1.  
1 17 e. Burglary=related offenses in violation of section 713.4,  
1 18 713.5, 713.6, or 713.6A, subsection 1.  
1 19 f. Theft offenses in violation of section 714.2, subsection  
1 20 1 or 2.  
1 21 g. Criminal mischief offenses in violation of section 716.3  
1 22 or 716.4.  
1 23 2. For purposes of this section, property shall be  
1 24 considered disaster=affected if the property sustained more  
1 25 than de minimis structural damage in the disaster. Factors  
1 26 to be considered in determining whether the offender knew or  
1 27 reasonably should have known the property was disaster=affected  
1 28 include but are not limited to the following: the visibility  
1 29 of the structural damage; the repair work, if any, performed  
1 30 or in the process of being performed on the affected property;  
1 31 and whether any notice was posted on the affected property  
1 32 indicating that certain crimes committed on such property are  
1 33 subject to the doubling of fines and penalties. Notice may  
1 34 but is not required to be posted on the property indicating  
1 35 the property was disaster=affected and that certain crimes



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2504 - Introduced continued

2 1 committed on the property are subject to the doubling of fines  
2 2 and penalties.  
2 3 3. The doubling of fines and civil penalties pursuant to  
2 4 this section shall apply to criminal offenses identified in  
2 5 this section committed during the incident period under the  
2 6 disaster declaration or proclamation and for three years after  
2 7 the end date of the incident period.  
2 8 Sec. 2. NEW SECTION. 903.7 Criminal offenses committed in  
2 9 federal and state disaster areas.  
2 10 1. When the president of the United States declares a major  
2 11 disaster exists in this state, or the governor proclaims a  
2 12 state of disaster emergency exists pursuant to section 29C.6,  
2 13 the court may double the minimum fine under section 903.1,  
2 14 the minimum civil penalty pursuant under section 907.14,  
2 15 or any other civil penalty for the following misdemeanor  
2 16 criminal offenses or civil violations committed against or  
2 17 involving disaster-affected property in a disaster area if the  
2 18 offender knew or reasonably should have known the property was  
2 19 disaster-affected:  
2 20 a. Illegal dumping or discarding of waste-related offenses  
2 21 in violation of section 455B.307 or 455B.307A.  
2 22 b. Arson in violation of section 712.4.  
2 23 c. Reckless use of fire or explosives in violation of  
2 24 section 712.5.  
2 25 d. Explosive or incendiary material or device offenses in  
2 26 violation of section 712.6, subsection 2 or 3.  
2 27 e. Burglary-related offenses in violation of section 713.6A,  
2 28 subsection 2, or section 713.6B or 713.7.  
2 29 f. Theft offenses in violation of section 714.2, subsection  
2 30 3, 4, or 5.  
2 31 g. Criminal mischief offenses in violation of section 716.5  
2 32 or 716.6.  
2 33 2. For purposes of this section, property shall be  
2 34 considered disaster-affected if the property sustained more  
2 35 than de minimis structural damage in the disaster. Factors



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2504 - Introduced continued

3 1 to be considered in determining whether the offender knew or  
3 2 reasonably should have known the property was disaster=affected  
3 3 include but are not limited to the following: the visibility  
3 4 of the structural damage; the repair work, if any, performed  
3 5 or in the process of being performed on the affected property;  
3 6 and whether any notice was posted on the affected property  
3 7 indicating that certain crimes committed on such property are  
3 8 subject to the doubling of fines and penalties. Notice may  
3 9 but is not required to be posted on the property indicating  
3 10 the property was disaster=affected and that certain crimes  
3 11 committed on the property are subject to the doubling of fines  
3 12 and penalties.

3 13 3. The doubling of fines and civil penalties pursuant to  
3 14 this section shall apply to criminal offenses identified in  
3 15 this section committed during the incident period under the  
3 16 disaster declaration or proclamation and for three years after  
3 17 the end date of the incident period.

3 18 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 19 immediate importance, takes effect upon enactment.

3 20 EXPLANATION

3 21 This bill provides for the doubling of criminal fines and  
3 22 civil penalties in disaster areas.

3 23 Under the bill, if the president of the United States  
3 24 declares a major disaster exists in this state, or the governor  
3 25 proclaims a state of disaster emergency exists, the minimum  
3 26 fine or civil penalty may double for certain criminal offenses  
3 27 and civil violations committed in the disaster area, if the  
3 28 offender knew or reasonably should have known the property was  
3 29 disaster=affected.

3 30 The bill requires disaster=affected property to sustain  
3 31 more than de minimis structural damage in the disaster for  
3 32 the doubling of fines and penalties to apply. Under the  
3 33 bill, the factors to be considered in determining whether the  
3 34 offender knew or reasonably should have known the property  
3 35 was disaster=affected include but are not limited to the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House File 2504 - Introduced continued

4 1 following: the visibility of the structural damage; the repair  
4 2 work, if any, performed or in the process of being performed  
4 3 on the affected property; and whether any notice was posted on  
4 4 the affected property indicating that certain crimes committed  
4 5 on such property are subject to the doubling of fines and civil  
4 6 penalties.

4 7 Under the bill, the owner of disaster-affected property  
4 8 may, but is not required to, post a notice on the property  
4 9 indicating the property was disaster-affected and that certain  
4 10 crimes committed on the property are subject to the doubling  
4 11 of fines and civil penalties.

4 12 The doubling of fines and civil penalties applies to  
4 13 criminal offenses and civil violations committed during the  
4 14 disaster declaration or proclamation and for three years after  
4 15 the date the disaster or disaster emergency ends.

4 16 The bill doubles the minimum fine under Code section 902.9 or  
4 17 the civil penalty under Code section 907.14 for the following  
4 18 felony offenses: Code sections 711.3 (robbery in the second  
4 19 degree), 711.4 (extortion), 712.3 (arson), 712.6 (explosive  
4 20 or incendiary materials offenses), 713.4 (attempted burglary  
4 21 in the first degree), 713.5 (burglary in the second degree),  
4 22 713.6 (attempted burglary in the second degree), 713.6A(1)  
4 23 (burglary in the third degree), 714.2(1) (theft in the first  
4 24 degree), 714.2(2) (theft in the second degree), 716.3 (criminal  
4 25 mischief in the first degree), and 716.4 (criminal mischief in  
4 26 the second degree).

4 27 The bill also doubles the minimum fine pursuant to  
4 28 Code section 903.1 or the civil penalty for the following  
4 29 misdemeanor offenses or civil violations: Code sections  
4 30 455B.307 (illegal dumping), 455B.307A (discarding of waste),  
4 31 712.4 (arson), 712.5 (reckless use of fire or explosives),  
4 32 712.6 (explosive or incendiary materials offenses), 713.6A(2)  
4 33 (burglary in the third degree), 713.6B (attempted burglary  
4 34 in the third degree), 713.7 (possession of burglar's tools),  
4 35 714.2(3) (theft in the third degree), 714.2(4) (theft in the



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House File 2504 - Introduced continued

5 1 fourth degree), 714.2(5) (theft in the fifth degree), 716.5  
5 2 (criminal mischief in the third degree), and 716.6 (criminal  
5 3 mischief in the fourth and fifth degrees).  
5 4 The bill takes effect upon enactment.  
LSB 5910HV (2) 83  
jm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**House Joint Resolution 2017 - Introduced**

HOUSE JOINT RESOLUTION  
BY THOMAS, FICKEN,  
SCHUELLER, SWAIM, and  
HANSON

**HOUSE JOINT RESOLUTION**

1 A Joint Resolution nullifying Iowa administrative code  
2 chapters implementing statutory provisions concerning  
3 state electrical inspections, and including effective date  
4 provisions.  
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5774HH (4) 83  
rn/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Joint Resolution 2017 - Introduced continued

PAG LIN

1 1 Section 1. 661 Iowa administrative code, chapters 550  
1 2 through 553, and chapter 559, are nullified.  
1 3 Sec. 2. EFFECTIVE UPON ENACTMENT. This joint resolution,  
1 4 being deemed of immediate importance, takes effect upon  
1 5 enactment.

1 6 EXPLANATION

1 7 This joint resolution nullifies Iowa administrative code  
1 8 chapters implementing statutory provisions instituting state  
1 9 inspection procedures and requirements specified in Code  
1 10 chapter 103 for electricians and electrical contractors.

1 11 This joint resolution takes effect upon enactment.

LSB 5774HH (4) 83

rn/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

House Study Bill 727

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
ENVIRONMENTAL  
PROTECTION BILL BY  
CHAIRPERSON OLSON)

**A BILL FOR**

1 An Act appropriating funds to award grants to Iowa community  
2 colleges in order to implement recommendations from the  
3 governor's green jobs task force and reach underserved  
4 populations.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6227YC (2) 83  
ak/nh



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

House Study Bill 727 continued

PAG LIN

1 1 Section 1. APPROPRIATION == WORKFORCE DEVELOPMENT GRANTS ==  
 1 2 IMPLEMENTATION OF GREEN JOBS TASK FORCE RECOMMENDATIONS. There  
 1 3 is appropriated from the general fund of the state to the  
 1 4 department of workforce development for the fiscal year  
 1 5 beginning July 1, 2010, and ending June 30, 2011, the following  
 1 6 amount, or so much thereof as is necessary, to be used for the  
 1 7 purposes designated:

1 8 For allocation to the workforce development board to  
 1 9 award grants to Iowa community colleges to implement the  
 1 10 recommendations of the green jobs task force, established  
 1 11 by executive order number 16, with fifty percent of the  
 1 12 grants being used to provide outreach programs to underserved  
 1 13 populations:

1 14 ..... \$ 1,000,000

1 15 For purposes of this section, "underserved populations"  
 1 16 means persons making less than twenty thousand dollars a year,  
 1 17 minorities, persons with disabilities, the elderly, and persons  
 1 18 convicted of a felony who are attempting to reenter society  
 1 19 after release from incarceration.

EXPLANATION

1 21 This bill appropriates \$1 million to the department of  
 1 22 workforce development for FY 2010=2011. The funds are to be  
 1 23 allocated to the workforce development board for grants to  
 1 24 Iowa community colleges to implement the recommendations of  
 1 25 the green jobs task force, which was established by Executive  
 1 26 Order Number 16. Fifty percent of the grants shall be used to  
 1 27 provide outreach programs to underserved populations.

LSB 6227YC (2) 83

ak/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## Senate Amendment 5092

PAG LIN

1 1 Amend Senate File 2355 as follows:  
1 2 #1. Page 8, after line 10 by inserting:  
1 3 <Sec. \_\_\_\_ Section 100D.11, Code Supplement 2009,  
1 4 is amended by adding the following new subsection:  
1 5 NEW SUBSECTION. 4. The provisions of this chapter  
1 6 shall not require the installation of fire sprinklers  
1 7 or a related fire suppression system in a one-family  
1 8 or two-family residential dwelling or a residential  
1 9 building that contains no more than four dwelling  
1 10 units.>  
1 11 #2. By renumbering as necessary.

SHAWN HAMERLINCK  
SF2355.1281 (2) 83  
jr/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**Senate Amendment 5093**

PAG LIN

1 1 Amend Senate File 2337 as follows:  
1 2 #1. Page 2, by striking lines 12 through 21 and  
1 3 inserting <for each hour the employee works for the  
1 4 employer as provided in this chapter.  
1 5 2. a. An employee shall accrue a minimum of one  
1 6 hundred sixteen ten-thousandths of an hour of paid sick  
1 7 and safe time for each hour worked for the employer.  
1 8 An employee who works two thousand eighty hours in a  
1 9 calendar year shall accrue approximately twenty-four  
1 10 hours of paid sick and safe time. An employer may set  
1 11 a higher accrual rate for paid sick and safe time.  
1 12 b. An employee shall not accrue more than forty  
1 13 hours of paid sick and safe time in a calendar year,>  
1 14 #2. Page 4, line 16, after <emergency> by inserting  
1 15 <unless such time off shall be made up as agreed to in  
1 16 a contract or collective bargaining agreement between  
1 17 the employer and employee, or is otherwise required by  
1 18 law>  
1 19 #3. By renumbering as necessary.

THOMAS G. COURTNEY  
SF2337.1159 (2) 83  
ak/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## Senate Amendment 5094

PAG LIN

1 1 Amend Senate File 2253 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. Section 602.4201, Code Supplement 2009,  
1 5 is amended by adding the following new subsection:  
1 6 NEW SUBSECTION. 1A. The supreme court may also  
1 7 prescribe rules allowing a judicial officer to conduct  
1 8 a hearing using video conferencing or telephonic  
1 9 means, whenever possible, to meet statutory in-person  
1 10 hearing requirements. The rules prescribed shall allow  
1 11 a party to require a hearing to be conducted in the  
1 12 physical presence of the other parties and the judicial  
1 13 officer.>  
1 14 #2. Title page, line 2, after <conference> by  
1 15 inserting <and telephonic means>  
1 16 #3. By renumbering as necessary.

KEITH A. KREIMAN  
SF2253.1274 (2) 83  
jm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## Senate Amendment 5095

PAG LIN

1 1 Amend House File 2200, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 1, line 7, by striking <permanently>

COMMITTEE ON NATURAL RESOURCES  
DICK DEARDEN, CHAIRPERSON  
HF2200.1272 (2) 83  
rh/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## Senate Amendment 5096

PAG LIN

1 1 Amend Senate File 2316 as follows:  
1 2 #1. Page 1, by striking lines 1 through 11.  
1 3 #2. Page 1, line 22, by striking <adopt> and  
1 4 inserting <develop>  
1 5 #3. Page 2, by striking line 3 and inserting  
1 6 <The department shall consider including all of the  
1 7 following in the model ordinance:>  
1 8 #4. Page 2, by striking lines 18 through 23 and  
1 9 inserting <identified on a flood insurance rate map  
1 10 certified by the federal emergency management agency  
1 11 or, if a certified flood insurance rate map is not  
1 12 available, on a map developed by the department.>  
1 13 #5. Page 2, line 26, by striking <"facilities  
1 14 critical> and inserting <facilities "critical>  
1 15 #6. Page 2, line 27, by striking <includes> and  
1 16 inserting <include>  
1 17 #7. Page 2, line 29, by striking <water supply and  
1 18 distribution facilities,>  
1 19 #8. By striking page 2, line 32, through page 3,  
1 20 line 5.  
1 21 #9. Page 3, by striking lines 6 and 7 and inserting:  
1 22 <2. Any construction of a new facility, or any  
1 23 substantial modification or improvement of an existing  
1 24 facility, critical for the health and safety>  
1 25 #10. Page 3, line 9, after <plain> by inserting <as  
1 26 identified on a flood insurance rate map certified  
1 27 by the federal emergency management agency or, if a  
1 28 certified flood insurance rate map is not available, on  
1 29 a map developed by the department>  
1 30 #11. Page 3, line 17, by striking <4.> and inserting  
1 31 <3.>  
1 32 #12. Page 3, by striking lines 20 through 24 and  
1 33 inserting:  
1 34 <4. Not later than December 31, 2012, the  
1 35 department shall amend its standards under section  
1 36 455B.173, subsection 8, to provide for the safe  
1 37 operation and function, or the safe cessation of  
1 38 the operation and function, of facilities regulated  
1 39 pursuant to that subsection, during the occurrence  
1 40 of a two-tenths percent flood as determined by the  
1 41 department.>  
1 42 #13. Page 4, line 30, after <structures,>  
1 43 by inserting <prioritizing investments in the  
1 44 construction, improvement, modification, or removal of  
1 45 levees, safeguarding hazardous substances as defined  
1 46 in section 455B.381,>  
1 47 #14. By striking page 7, line 18, through page 8,  
1 48 line 1.  
1 49 #15. By renumbering as necessary.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

tm/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

## Senate Amendment 5097

PAG LIN

1 1 Amend Senate File 2292 as follows:  
1 2 #1. Page 1, by striking lines 4 and 5 and inserting  
1 3 <Iowa as a permanent naval museum.>

JOHN P. KIBBIE  
SF2292.1293 (3) 83  
ec/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**Senate File 2362 - Introduced**

SENATE FILE  
BY JOHNSON

**A BILL FOR**

1 An Act requiring the commissioner of insurance to certify  
2 certain health insurance policies, contracts, or plans that  
3 promote healthy lifestyles, providing for premium credits,  
4 and including applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5246XS (5) 83  
av/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2362 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 505.32 Certified health insurance  
1 2 policies, contracts, and plans == wellness programs == premium  
1 3 credits.  
1 4 1. As used in this section, unless the context otherwise  
1 5 requires:  
1 6 a. "Carrier" means the same as defined in section 513B.2.  
1 7 b. "Certified health insurance policy, contract, or plan"  
1 8 means a carrier's policy, contract, or plan that has been  
1 9 certified by the commissioner as meeting or exceeding the  
1 10 criteria established pursuant to this section.  
1 11 c. "Commissioner" means the commissioner of insurance.  
1 12 d. "Insured" means an individual whose medical expenses are  
1 13 paid by a carrier's policy, contract, or plan.  
1 14 2. The commissioner shall adopt provisions, by rule, to  
1 15 promote wellness by establishing criteria and procedures for  
1 16 the designation of health insurance policies, contracts, and  
1 17 plans that meet or exceed such criteria as certified health  
1 18 insurance policies, contracts, or plans. A policy, contract,  
1 19 or plan so certified shall meet, including but not limited to  
1 20 the following objectives:  
1 21 a. Provide significant economic incentives to insureds  
1 22 designed to encourage their participation in the practice  
1 23 of healthy lifestyle behaviors. Such incentives may be in  
1 24 the form of health insurance premium reductions, benefit  
1 25 enhancements, or in the case of employer-paid plans, direct  
1 26 financial compensation.  
1 27 b. Provide significant economic disincentives and penalties  
1 28 to insureds who incorrectly certify participation in the  
1 29 practice of healthy lifestyle behaviors. Such disincentives  
1 30 and penalties may be in the form of increased deductibles and  
1 31 copayments, or surcharges.  
1 32 c. Set forth economic incentives and disincentives  
1 33 substantial enough to encourage behavior modification.  
1 34 d. Provide benefits for appropriate screening examinations  
1 35 and designated adult immunizations.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2362 - Introduced continued

2 1 3. The commissioner may certify a carrier's health  
2 2 insurance policy, contract, or plan that encourages, including  
2 3 but not limited to the following healthy lifestyle behaviors  
2 4 and provides the following minimum premium credits for those  
2 5 insureds who are nonsmokers and who certify that they adhere to  
2 6 the prescribed behaviors:  
2 7 a. No use of tobacco products at least six months prior to  
2 8 the issuance of the policy, contract, or plan and while the  
2 9 policy, contract, or plan is in effect, a premium credit of ten  
2 10 percent.  
2 11 b. Participation, three or more times per week, in an  
2 12 aerobic activity such as brisk walking, running, swimming, or  
2 13 bicycling, a premium credit of one percent.  
2 14 c. Blood pressure maintenance, with or without  
2 15 physician-prescribed medication, at a level as prescribed by  
2 16 the commissioner by rule, a premium credit of one percent.  
2 17 d. Maintaining a desirable weight as determined by the  
2 18 commissioner by rule using the 1983 Metropolitan life insurance  
2 19 company tables, lean body mass calculations, or skin fold  
2 20 measurements, a premium credit of one percent.  
2 21 e. Participating in an annual wellness check, as prescribed  
2 22 by the commissioner by rule, a premium credit of one percent.  
2 23 f. Maintaining healthy cholesterol levels, with or  
2 24 without physician-prescribed medication, as prescribed by the  
2 25 commissioner by rule, a premium credit of one percent.  
2 26 4. A certified health insurance policy, contract, or plan  
2 27 may also provide benefits for periodic preventive screening  
2 28 examinations as appropriate to the insured's age, sex, and  
2 29 health condition as prescribed by the commissioner by rule.  
2 30 5. The commissioner may certify health insurance policies,  
2 31 contracts, or plans developed and submitted by carriers that  
2 32 do not meet the criteria set forth in subsection 3 but, as  
2 33 determined by the commissioner, are designed to further the  
2 34 objectives of this section in encouraging insureds to practice  
2 35 healthy lifestyle behaviors.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

Senate File 2362 - Introduced continued

3 1       6. In order to be certified, a health insurance policy,  
3 2 contract, or plan shall provide that, upon determination by a  
3 3 carrier that an insured has incorrectly certified in a material  
3 4 way that the insured has complied with the requirements of the  
3 5 policy, contract, or plan, the carrier will assess a surcharge  
3 6 or increase the insured's applicable deductibles or copayments.  
3 7 The surcharge per insured shall not exceed an amount equal to  
3 8 three times the credit received as a result of the material  
3 9 incorrect certification and no increases in copayment or  
3 10 deductible shall exceed the copayment or deductible by more  
3 11 than two times the copayment or deductible.

3 12       7. a. A carrier may apply to have a health insurance  
3 13 policy, contract, or plan certified by filing a copy of the  
3 14 policy, contract, or plan with the commissioner together with  
3 15 documentation sufficient to demonstrate that the policy,  
3 16 contract, or plan meets or exceeds the criteria specified  
3 17 in this section. The commissioner may request additional  
3 18 information to support the application.

3 19       b. If, after thirty days from the date of the application,  
3 20 or after fifteen days from the date of submission of additional  
3 21 material requested by the commissioner, whichever is later,  
3 22 the commissioner has not acted, the carrier may notify the  
3 23 commissioner in writing that the carrier will deem the health  
3 24 insurance policy, contract, or plan as certified on the tenth  
3 25 day following receipt of such notification by the commissioner.

3 26       8. A carrier that issues a health insurance policy,  
3 27 contract, or plan certified under this section shall provide a  
3 28 certification form to all insureds under the policy, contract,  
3 29 or plan whereby the insured may certify participation in the  
3 30 practice of healthy lifestyle behaviors as required by the  
3 31 certified policy, contract, or plan. This form shall be filed  
3 32 with and approved by the commissioner prior to its use and  
3 33 shall include notification to an insured of the applicable  
3 34 penalties for incorrectly certifying in a material way that the  
3 35 insured has participated in the practice of healthy lifestyle



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2362 - Introduced continued

4 1 behaviors required by the certified policy, contract, or plan.  
4 2 9. This section shall not be construed to preclude a carrier  
4 3 from offering health insurance policies, contracts, or plans  
4 4 that are not certified pursuant to this section but otherwise  
4 5 meet the requirements of law.

4 6 10. The commissioner shall adopt, by rule, provisions  
4 7 allowing suspension or modification of premium rate  
4 8 restrictions to enable a carrier to provide premium credits as  
4 9 set forth in this section.

4 10 11. This section applies to policies, contracts, or plans  
4 11 of health insurance delivered, issued for delivery, continued,  
4 12 or renewed in this state on or after January 1, 2011. The  
4 13 commissioner shall adopt rules to implement this section prior  
4 14 to that date.

4 15 EXPLANATION

4 16 This bill requires the commissioner of insurance to certify  
4 17 certain health insurance policies, contracts, or plans that  
4 18 promote healthy lifestyles and provides for premium credits,  
4 19 and includes applicability provisions.

4 20 The bill requires the commissioner to adopt rules to promote  
4 21 wellness by establishing criteria and procedures for certifying  
4 22 health insurance policies, contracts, and plans that meet  
4 23 objectives such as providing significant economic incentives  
4 24 to insureds to participate in healthy lifestyle behaviors;  
4 25 providing significant economic disincentives to insureds who  
4 26 incorrectly say they participated in such behaviors; setting  
4 27 forth economic incentives and disincentives substantial enough  
4 28 to encourage behavior modification; and providing benefits  
4 29 for appropriate screening examinations and designated adult  
4 30 immunizations.

4 31 The commissioner may certify a health insurance policy,  
4 32 contract, or plan that includes premium credits in designated  
4 33 amounts for insureds who are nonsmokers and do not use tobacco  
4 34 products, and who participate in regular exercise, maintain  
4 35 a healthy blood pressure, control their weight, participate



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2362 - Introduced continued

5 1 in annual wellness checks, and maintain healthy cholesterol  
5 2 levels.

5 3 Certified health insurance policies, contracts, or plans  
5 4 must also include penalties such as surcharges or increases  
5 5 in copayments or deductibles for insureds who represent  
5 6 incorrectly in a material way that they have complied with the  
5 7 behaviors for which a premium credit was given.

5 8 Carriers must apply to have a health insurance policy,  
5 9 contract, or plan certified by filing an application with the  
5 10 commissioner. Such a policy, contract, or plan is deemed  
5 11 certified if the application is not acted upon within 30 days  
5 12 of its filing or within 15 days of the commissioner's receipt  
5 13 of requested additional information.

5 14 The commissioner is required to adopt, by rule, provisions  
5 15 that allow suspension or modification of premium rate  
5 16 restrictions to enable a carrier to provide premium credits as  
5 17 set forth in the bill.

5 18 The bill is applicable to health insurance policies,  
5 19 contracts, or plans delivered, issued for delivery, continued,  
5 20 or renewed in this state on or after January 1, 2011, and the  
5 21 commissioner is required to adopt rules to implement the bill's  
5 22 provisions prior to that date.

LSB 5246XS (5) 83

av/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**Senate File 2363 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SSB  
3112)

**A BILL FOR**

1 An Act relating to the technical administration of the tax  
2 and related laws by the department of revenue, including  
3 administration of income taxes, moneys and credits tax,  
4 insurance premiums tax, sales and use taxes, fees for new  
5 vehicle registration, franchise fees, and the environmental  
6 protection charge, making penalties applicable, and  
7 including retroactive applicability provisions.

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

TL5B 5383SV (2) 83

tw/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.119, subsection 1, Code Supplement  
1 2 2009, is amended to read as follows:  
1 3 1. Notwithstanding any provision to the contrary in  
1 4 sections 15.327 through 15.336, section 15.393, ~~section 15A.9,~~  
~~1 5 subsection 8,~~ sections 15E.191 through 15E.197, 422.11E,  
1 6 and section 422.33, subsection 9, the department shall not  
1 7 authorize an amount of tax credits for purposes specified in  
1 8 subsection 2 in excess of one hundred eighty-five million  
1 9 dollars for any fiscal year. However, the department may  
1 10 authorize an amount of tax credits in one fiscal year in excess  
1 11 of one hundred eighty-five million, and such excess amount  
1 12 shall be counted against the total amount of tax credits that  
1 13 may be authorized in the next fiscal year.  
1 14 Sec. 2. Section 15.119, subsection 2, paragraph c, Code  
1 15 Supplement 2009, is amended by striking the paragraph.  
1 16 Sec. 3. Section 15.293A, subsection 2, paragraph f, Code  
1 17 2009, is amended to read as follows:  
1 18 f. A tax credit shall not be claimed by a transferee  
1 19 under this section until a replacement tax credit certificate  
1 20 identifying the transferee as the proper holder has been  
1 21 issued. The transferee may use the amount of the tax credit  
1 22 transferred against the taxes imposed in chapter 422, divisions  
1 23 II, III, and V, and in chapter 432, and against the moneys and  
1 24 credits tax imposed in section 533.329, for any tax year the  
1 25 original transferor could have claimed the tax credit. Any  
1 26 consideration received for the transfer of the tax credit shall  
1 27 not be included as income under chapter 422, divisions II, III,  
1 28 and V, ~~under chapter 432, or against the moneys and credits tax~~  
~~1 29 imposed in section 533.329.~~ Any consideration paid for the  
1 30 transfer of the tax credit shall not be deducted from income  
1 31 under chapter 422, divisions II, III, and V, ~~under chapter~~  
~~1 32 432, or against the moneys and credits tax imposed in section~~  
~~1 33 533.329.~~  
1 34 Sec. 4. Section 15.329, subsection 3, Code Supplement 2009,  
1 35 is amended by striking the subsection.



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2363 - Introduced continued

2 1       Sec. 5. Section 15.393, subsection 2, paragraph a,  
2 2 subparagraph (3), Code Supplement 2009, is amended to read as  
2 3 follows:  
2 4       (3) After verifying the eligibility for a tax credit under  
2 5 this paragraph "a", the department of economic development  
2 6 shall issue a film, television, and video project promotion  
2 7 program tax credit certificate to be attached to the person's  
2 8 tax return. The tax credit certificate shall contain the  
2 9 taxpayer's name, address, tax identification number, the date  
2 10 of project completion, the amount of credit, other information  
2 11 required by the department of revenue, and a place for the name  
2 12 and tax identification number of a transferee and the amount  
2 13 of the tax credit being transferred. Tax credit certificates  
2 14 issued under this paragraph "a" may be transferred to any person  
2 15 or entity. Within ninety days of transfer, the transferee  
2 16 shall submit the transferred tax credit certificate to the  
2 17 department of revenue along with a statement containing the  
2 18 transferee's name, tax identification number, and address,  
2 19 and the denomination that each replacement tax credit  
2 20 certificate is to carry and any other information required by  
2 21 the department of revenue. Within thirty days of receiving  
2 22 the transferred tax credit certificate and the transferee's  
2 23 statement, the department of revenue shall issue one or more  
2 24 replacement tax credit certificates to the transferee. Each  
2 25 replacement tax credit certificate must contain the information  
2 26 required for the original tax credit certificate and must have  
2 27 the same expiration date that appeared in the transferred  
2 28 tax credit certificate. Tax credit certificate amounts  
2 29 of less than the minimum amount established by rule of the  
2 30 department of economic development shall not be transferable.  
2 31 A tax credit shall not be claimed by a transferee under this  
2 32 paragraph "a" until a replacement tax credit certificate  
2 33 identifying the transferee as the proper holder has been  
2 34 issued. The transferee may use the amount of the tax credit  
2 35 transferred against the taxes imposed in chapter 422, divisions



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

3 1 II, III, and V, and in chapter 432, and against the moneys and  
3 2 credits tax imposed in section 533.329, for any tax year the  
3 3 original transferor could have claimed the tax credit. Any  
3 4 consideration received for the transfer of the tax credit shall  
3 5 not be included as income under chapter 422, divisions II, III,  
3 6 and V, ~~under chapter 432, or against the moneys and credits tax~~  
~~3 7 imposed in section 533.329.~~ Any consideration paid for the  
3 8 transfer of the tax credit shall not be deducted from income  
3 9 under chapter 422, divisions II, III, and V, ~~under chapter~~  
~~3 10 432, or against the moneys and credits tax imposed in section~~  
~~3 11 533.329.~~

3 12 Sec. 6. Section 15.393, subsection 2, paragraph b,  
3 13 subparagraph (2), Code Supplement 2009, is amended to read as  
3 14 follows:

3 15 (2) After verifying the eligibility for a tax credit under  
3 16 this paragraph "b", the department of economic development  
3 17 shall issue a film, television, and video project promotion  
3 18 program tax credit certificate to be attached to the person's  
3 19 tax return. The tax credit certificate shall contain the  
3 20 taxpayer's name, address, tax identification number, the date  
3 21 of project completion, the amount of credit, other information  
3 22 required by the department of revenue, and a place for the name  
3 23 and tax identification number of a transferee and the amount  
3 24 of the tax credit being transferred. Tax credit certificates  
3 25 issued under this paragraph "b" may be transferred to any person  
3 26 or entity. Within ninety days of transfer, the transferee  
3 27 shall submit the transferred tax credit certificate to the  
3 28 department of revenue along with a statement containing the  
3 29 transferee's name, tax identification number, and address,  
3 30 and the denomination that each replacement tax credit  
3 31 certificate is to carry and any other information required by  
3 32 the department of revenue. Within thirty days of receiving  
3 33 the transferred tax credit certificate and the transferee's  
3 34 statement, the department of revenue shall issue one or more  
3 35 replacement tax credit certificates to the transferee. Each



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

4 1 replacement tax credit certificate must contain the information  
4 2 required for the original tax credit certificate and must have  
4 3 the same expiration date that appeared in the transferred  
4 4 tax credit certificate. Tax credit certificate amounts  
4 5 of less than the minimum amount established by rule of the  
4 6 department of economic development shall not be transferable.  
4 7 A tax credit shall not be claimed by a transferee under this  
4 8 paragraph "b" until a replacement tax credit certificate  
4 9 identifying the transferee as the proper holder has been  
4 10 issued. The transferee may use the amount of the tax credit  
4 11 transferred against the taxes imposed in chapter 422, divisions  
4 12 II, III, and V, and in chapter 432, and against the moneys and  
4 13 credits tax imposed in section 533.329, for any tax year the  
4 14 original transferor could have claimed the tax credit. Any  
4 15 consideration received for the transfer of the tax credit shall  
4 16 not be included as income under chapter 422, divisions II, III,  
4 17 and V, ~~under chapter 432, or against the moneys and credits tax~~  
~~4 18 imposed in section 533.329.~~ Any consideration paid for the  
4 19 transfer of the tax credit shall not be deducted from income  
4 20 under chapter 422, divisions II, III, and V, ~~under chapter~~  
~~4 21 432, or against the moneys and credits tax imposed in section~~  
~~4 22 533.329.~~

4 23 Sec. 7. Section 364.2, subsection 4, paragraph f, Code  
4 24 Supplement 2009, is amended to read as follows:  
4 25 f. (1) A franchise fee assessed by a city may be based  
4 26 upon a percentage of gross revenues generated from sales of the  
4 27 franchisee within the city not to exceed five percent, without  
4 28 regard to the city's cost of inspecting, supervising, and  
4 29 otherwise regulating the franchise. Franchise fees collected  
4 30 pursuant to an ordinance in effect on May 26, 2009, shall be  
4 31 deposited in the city's general fund and such fees collected  
4 32 in excess of the amounts necessary to inspect, supervise, and  
4 33 otherwise regulate the franchise may be used by the city for  
4 34 any other purpose authorized by law. Franchise fees collected  
4 35 pursuant to an ordinance that is adopted or amended on or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

5 1 after May 26, 2009, to increase the percentage rate at which  
5 2 franchise fees are assessed shall be credited to the franchise  
5 3 fee account within the city's general fund and used pursuant  
5 4 to section 384.3A. If a city franchise fee is assessed to  
5 5 customers of a franchise, the fee shall not be assessed to the  
5 6 city as a customer. Before a city adopts or amends a franchise  
5 7 fee rate ordinance or franchise ordinance to increase the  
5 8 percentage rate at which franchise fees are assessed, a revenue  
5 9 purpose statement shall be prepared specifying the purpose or  
5 10 purposes for which the revenue collected from the increased  
5 11 rate will be expended. If property tax relief is listed as  
5 12 a purpose, the revenue purpose statement shall also include  
5 13 information regarding the amount of the property tax relief to  
5 14 be provided with revenue collected from the increased rate.  
5 15 The revenue purpose statement shall be published as provided  
5 16 in section 362.3.

5 17 (2) If a city adopts, amends, or repeals an ordinance  
5 18 imposing a franchise fee, the city shall promptly notify the  
5 19 director of revenue of such action.

5 20 Sec. 8. Section 421.27, subsections 1 and 4, Code 2009, are  
5 21 amended to read as follows:

5 22 1. Failure to timely file a return or deposit form or to  
5 23 timely remit tax. If a person fails to file with the department  
5 24 on or before the due date a return or deposit form or, if  
5 25 no return is required, fails to timely remit the tax due or  
5 26 required to be shown due, there shall be added to the tax shown  
5 27 due or required to be shown due a penalty of ten percent of the  
5 28 tax shown due or required to be shown due. The penalty, if  
5 29 assessed, shall be waived by the department upon a showing of  
5 30 any of the following conditions:

5 31 a. At least ninety percent of the tax required to be shown  
5 32 due has been paid by the due date of the tax.

5 33 b. Those taxpayers who are required to file quarterly  
5 34 returns, or monthly or semimonthly deposit forms may have one  
5 35 late return or deposit form within a three-year period. The



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2363 - Introduced continued

6 1 use of any other penalty exception will not count as a late  
6 2 return or deposit form for purposes of this exception.

6 3 c. The death of a taxpayer, death of a member of the  
6 4 immediate family of the taxpayer, or death of the person  
6 5 directly responsible for filing the return and paying the tax,  
6 6 when the death interferes with timely filing.

6 7 d. The onset of serious, long-term illness or  
6 8 hospitalization of the taxpayer, of a member of the immediate  
6 9 family of the taxpayer, or of the person directly responsible  
6 10 for filing the return and paying the tax.

6 11 e. Destruction of records by fire, flood, or other act of  
6 12 God.

6 13 f. The taxpayer presents proof that the taxpayer relied  
6 14 upon applicable, documented, written advice specifically  
6 15 made to the taxpayer, to the taxpayer's preparer, or to an  
6 16 association representative of the taxpayer from the department,  
6 17 state department of transportation, county treasurer, or  
6 18 federal internal revenue service, whichever is appropriate,  
6 19 that has not been superseded by a court decision, ruling by a  
6 20 quasi-judicial body, or the adoption, amendment, or repeal of  
6 21 a rule or law.

6 22 g. Reliance upon results in a previous audit was a direct  
6 23 cause for the failure to file where the previous audit  
6 24 expressly and clearly addressed the issue and the previous  
6 25 audit results have not been superseded by a court decision, or  
6 26 the adoption, amendment, or repeal of a rule or law.

6 27 h. Under rules prescribed by the director, the taxpayer  
6 28 presents documented proof of substantial authority to rely  
6 29 upon a particular position or upon proof that all facts and  
6 30 circumstances are disclosed on a return or deposit form.

6 31 i. The return, deposit form, or payment is timely, but  
6 32 erroneously, mailed with adequate postage to the internal  
6 33 revenue service, another state agency, or a local government  
6 34 agency and the taxpayer provides proof of timely mailing with  
6 35 adequate postage.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

7 1 j. The tax has been paid by the wrong licensee and the  
7 2 payments were timely remitted to the department for one or more  
7 3 tax periods prior to notification by the department.

7 4 k. The failure to file was discovered through a sanctioned  
7 5 self-audit program conducted by the department.

7 6 l. If the availability of funds in payment of tax required  
7 7 to be made through electronic funds transfer is delayed and the  
7 8 delay of availability is due to reasons beyond the control of  
7 9 the taxpayer. "Electronic funds transfer" means any transfer  
7 10 of funds, other than a transaction originated by check, draft,  
7 11 or similar paper instrument, that is initiated through an  
7 12 electronic terminal telephone, computer, magnetic tape, or  
7 13 similar device for the purpose of ordering, instructing, or  
7 14 authorizing a financial institution to debit or credit an  
7 15 account.

7 16 m. The failure to file a timely inheritance tax return  
7 17 resulting solely from a disclaimer that required the personal  
7 18 representative to file an inheritance tax return. The penalty  
7 19 shall be waived if such return is filed and any tax due is paid  
7 20 within the later of nine months from the date of death or sixty  
7 21 days from the delivery or filing of the disclaimer pursuant to  
7 22 section 633E.12.

7 23 n. That an Iowa inheritance tax return is filed for an  
7 24 estate within the later of nine months from the date of  
7 25 death or sixty days from the filing of a disclaimer by the  
7 26 beneficiary of the estate refusing to take the property or  
7 27 right or interest in the property.

7 28 4. Willful failure to file a return or deposit form or to  
7 29 timely remit tax.

7 30 a. In case of If there is a willful failure by a taxpayer to  
7 31 file a return or deposit form with the intent to evade tax, or  
7 32 in case of willfully filing, if no return is required, to  
7 33 timely remit the tax due or required to be shown due, or if the  
7 34 taxpayer willfully files a false return or deposit form with  
7 35 the intent to evade tax, in lieu of the penalties otherwise



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

8 1 provided in this section, a penalty of seventy-five percent  
8 2 shall be added to the amount shown due or required to be shown  
8 3 due as tax on the return or deposit form, or the amount due  
8 4 if no return is required. If penalties are applicable for  
8 5 failure to file a return or deposit form and failure to pay  
8 6 the tax shown due or required to be shown due on the return or  
8 7 deposit form, the penalty provision for failure to file shall  
8 8 be in lieu of the penalty provisions for failure to pay the tax  
8 9 shown due or required to be shown due on the return or deposit  
8 10 form, except in the case of willful failure to file a return or  
8 11 deposit form or willfully filing a false return or deposit form  
8 12 with intent to evade tax.

8 13 b. The penalties imposed under this subsection are not  
8 14 subject to waiver.

8 15 Sec. 9. Section 422.7, subsection 9, Code Supplement 2009,  
8 16 is amended to read as follows:

8 17 9. Subtract the amount of the alcohol ~~fuel~~ and cellulosic  
8 18 biofuel fuels credit allowable for the tax year under section  
8 19 40 of the Internal Revenue Code to the extent that the credit  
8 20 increased federal adjusted gross income.

8 21 Sec. 10. Section 422.33, subsection 5, paragraph f, Code  
8 22 Supplement 2009, is amended by striking the paragraph.

8 23 Sec. 11. Section 422.33, subsection 12, paragraph b, Code  
8 24 Supplement 2009, is amended to read as follows:

8 25 b. The taxes imposed under this division shall be  
8 26 reduced by investment tax credits authorized pursuant to  
8 27 ~~sections section 15.333, 15A.9, subsection 4,~~ and section  
8 28 15E.193B, subsection 6.

8 29 Sec. 12. Section 422.35, subsection 7, Code Supplement  
8 30 2009, is amended to read as follows:

8 31 7. Subtract the amount of the alcohol ~~fuel~~ and cellulosic  
8 32 biofuel fuels credit allowable for the tax year under section  
8 33 40 of the Internal Revenue Code to the extent that the credit  
8 34 increased federal taxable income.

8 35 Sec. 13. Section 422.36, subsection 4, Code 2009, is amended



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

9 1 to read as follows:

9 2 4. Foreign and domestic corporations shall file a copy of  
9 3 their federal income tax return for the current tax year with  
9 4 the return required by this section.

9 5 Sec. 14. Section 422.89, subsection 3, unnumbered paragraph  
9 6 1, Code 2009, is amended to read as follows:

9 7 An amount equal to ~~ninety~~ one hundred percent of the tax for  
9 8 the taxable year computed by placing on an annualized basis the  
9 9 taxable income:

9 10 Sec. 15. Section 423.3, subsection 40, Code Supplement  
9 11 2009, is amended to read as follows:

9 12 40. The sales price from the sale of automotive fluids  
9 13 to a retailer to be used either in providing a service which  
9 14 includes the installation or application of the fluids in  
9 15 or on a motor vehicle, which service is subject to section  
9 16 423.2, subsection 6, or to be installed in or applied to a  
9 17 motor vehicle which the retailer intends to sell, which sale  
9 18 is subject to section ~~423.26~~ 321.105A. For purposes of this  
9 19 subsection, automotive fluids are all those which are refined,  
9 20 manufactured, or otherwise processed and packaged for sale  
9 21 prior to their installation in or application to a motor  
9 22 vehicle. They include but are not limited to motor oil and  
9 23 other lubricants, hydraulic fluids, brake fluid, transmission  
9 24 fluid, sealants, undercoatings, antifreeze, and gasoline  
9 25 additives.

9 26 Sec. 16. Section 423.36, subsection 3, paragraph a, Code  
9 27 2009, is amended to read as follows:

9 28 a. The department shall grant and issue to each applicant  
9 29 a permit for each place of business in this state where sales  
9 30 or use tax is collected. A permit is not assignable and is  
9 31 valid only for the person in whose name it is issued and for the  
9 32 transaction of business at the place designated or at a place  
9 33 of relocation within the ~~state~~ same county, if the ownership  
9 34 remains the same.

9 35 Sec. 17. Section 423.37, subsections 1 and 2, Code 2009, are



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2363 - Introduced continued

10 1 amended to read as follows:

10 2 1. As soon as practicable after a return is filed and in  
10 3 any event within three years after the return is filed, the  
10 4 department shall examine it, assess and determine the tax due  
10 5 if the return is found to be incorrect, and give notice to the  
10 6 person liable for the tax of the assessment and determination  
10 7 as provided in subsection 2. The period for the examination  
10 8 and determination of the correct amount of tax is unlimited in  
10 9 the case of a false or fraudulent return made with the intent  
10 10 to evade tax or in the case of a failure to file a return or, if  
10 11 no return is required, in the case of a failure to pay the tax  
10 12 due or required to be shown due.

10 13 2. If a return required by this subchapter is not filed,  
10 14 or if a return when filed is incorrect or insufficient and  
10 15 the maker fails to file a corrected or sufficient return  
10 16 within twenty days after the same is required by notice from  
10 17 the department, or if tax is due but no return is required,  
10 18 the department shall determine the amount of tax due from  
10 19 information as the department may be able to obtain and, if  
10 20 necessary, may estimate the tax on the basis of external  
10 21 indices, such as number of employees of the person concerned,  
10 22 rentals paid by the person, stock on hand, or other factors.  
10 23 The determination may be made using any generally recognized  
10 24 valid and reliable sampling technique, whether or not the  
10 25 person being audited has complete records, as mutually agreed  
10 26 upon by the department and the taxpayer. The department shall  
10 27 give notice of the determination to the person liable for the  
10 28 tax. The determination shall fix the tax unless the person  
10 29 against whom it is assessed shall, within sixty days after the  
10 30 giving of notice of the determination, apply to the director  
10 31 for a hearing or unless the taxpayer contests the determination  
10 32 by paying the tax, interest, and penalty and timely filing a  
10 33 claim for refund. At the hearing, evidence may be offered to  
10 34 support the determination or to prove that it is incorrect.  
10 35 After the hearing the director shall give notice of the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

11 1 decision to the person liable for the tax.  
11 2     Sec. 18. Section 423.57, Code 2009, is amended to read as  
11 3 follows:  
11 4     423.57 Statutes applicable.  
11 5     The director shall administer this subchapter as it relates  
11 6 to the taxes imposed in this chapter in the same manner and  
11 7 subject to all the provisions of, and all of the powers,  
11 8 duties, authority, and restrictions contained in sections  
11 9 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21, 423.22,  
11 10 423.23, 423.24, 423.25, ~~423.28~~, 423.29, 423.31, 423.32, 423.33,  
11 11 423.34, 423.34A, 423.35, 423.37, 423.38, 423.39, 423.40,  
11 12 423.41, and 423.42, section 423.43, subsection 1, and sections  
11 13 423.45, 423.46, and 423.47.  
11 14     Sec. 19. Section 424.2, subsections 6, 10, and 13, Code  
11 15 2009, are amended to read as follows:  
11 16     6. "Depositor" means the person who deposits petroleum into  
11 17 an underground storage tank subject to regulation under chapter  
11 18 455G or an aboveground petroleum storage tank as defined  
11 19 in section 101.21, located at a retail motor ~~vehicle~~ fuel  
11 20 outlet if the aboveground storage tank is physically connected  
11 21 directly to pumps which dispense petroleum that is sold at the  
11 22 motor ~~vehicle~~ fuel outlet on a retail basis.  
11 23     10. "Owner or operator" means "owner or operator" of an  
11 24 underground storage tank as used in chapter 455G or the  
11 25 "owner" or "operator" of an aboveground petroleum storage  
11 26 tank as defined in section 101.21, located at a retail  
11 27 motor ~~vehicle~~ fuel outlet if the aboveground storage tank is  
11 28 physically connected directly to pumps which dispense petroleum  
11 29 that is sold at the motor ~~vehicle~~ fuel outlet on a retail  
11 30 basis.  
11 31     13. "Tank" means an underground storage tank subject to  
11 32 regulation under chapter 455G or an aboveground petroleum  
11 33 storage tank as defined in section 101.21, located at a retail  
11 34 motor ~~vehicle~~ fuel outlet if the aboveground storage tank is  
11 35 physically connected directly to pumps which dispense petroleum



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2363 - Introduced continued

12 1 that is sold at the motor ~~vehicle~~ fuel outlet on a retail  
12 2 basis.

12 3 Sec. 20. REPEAL. Section 423.28, Code 2009, is repealed.

12 4 Sec. 21. REPEAL. Section 15A.9, Code Supplement 2009, is  
12 5 repealed.

12 6 Sec. 22. RETROACTIVE APPLICABILITY. The section of this  
12 7 Act amending section 422.89 applies retroactively to January 1,  
12 8 2010, for tax years beginning on or after that date.

12 9 EXPLANATION

12 10 This bill relates to the technical administration of the tax  
12 11 and related laws by the department of revenue.

12 12 The bill amends Code sections 15.293A and 15.393 to  
12 13 eliminate certain income-related references to the insurance  
12 14 premium tax and moneys and credits tax which are not imposed  
12 15 on an income basis. The amended Code sections relate to the  
12 16 tax credits available for brownfields redevelopment, film  
12 17 expenditures, and film investment.

12 18 The bill repeals Code section 15A.9, which is the quality  
12 19 jobs enterprise zone program. The program commonly known as  
12 20 the enterprise zone program is currently administered pursuant  
12 21 to Code sections 15E.191 through 15E.198, and the last contract  
12 22 issued under the quality jobs enterprise zone program is now  
12 23 expired making Code section 15A.9 no longer necessary. The  
12 24 bill makes changes to Code sections 15.119, 15.329, and 422.33  
12 25 in conformance with the repeal of this Code section.

12 26 The bill amends Code section 364.2, relating to franchise  
12 27 fees imposed by cities, to require a city to notify the  
12 28 department whenever an ordinance imposing a franchise fee is  
12 29 adopted, amended, or repealed. Because the imposition of  
12 30 a franchise fee requires utilities to stop collecting the  
12 31 local option sales and services tax and instead collect the  
12 32 franchise fee, the adoption, amendment, or repeal of such a fee  
12 33 impacts the department's distribution of local option sales and  
12 34 services tax revenue to local governments.

12 35 The bill amends Code section 421.27 to clarify existing



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2363 - Introduced continued

13 1 departmental policy regarding the penalty that applies not only  
13 2 for failure to timely file a return but also for a failure  
13 3 to timely remit taxes to the department. By operation of  
13 4 law, the changes to Code section 421.27 also apply to Code  
13 5 sections 423.40, 424.17, 437A.13, 450.63, 452A.65, 453A.28, and  
13 6 453A.46(3).

13 7       The bill amends Code sections 422.7 and 422.35 to update  
13 8 the name of the individual and corporate tax credits for the  
13 9 production of alcohol and biofuels to be the same as the name  
13 10 of the credit available in section 40 of the federal Internal  
13 11 Revenue Code.

13 12       The bill amends Code section 422.36 to provide that domestic  
13 13 corporations must provide a copy of their federal income tax  
13 14 return when filing their Iowa corporation income tax return.  
13 15 Currently, foreign corporations are subject to the same  
13 16 requirement and this change reflects the current practices of  
13 17 the department.

13 18       In 2009, certain provisions were amended to increase the  
13 19 standard for the exception to the underpayment of estimated  
13 20 tax penalty for Iowa corporation income tax for annualization  
13 21 of income from 90 percent of the tax liability to 100 percent  
13 22 of the tax liability. Code section 422.89, which contains a  
13 23 similar provision, was not amended at that time. The bill  
13 24 amends Code section 422.89 to reflect the substance of the  
13 25 changes made in 2009. This provision of the bill applies  
13 26 retroactively to January 1, 2010, for tax years beginning on  
13 27 or after that date.

13 28       Code section 423.3 is amended to correct an internal  
13 29 reference to Code section 321.105A relating to the sale of a  
13 30 motor vehicle and the fee for a new vehicle registration.

13 31       Code section 423.28 required motor vehicle dealers to file  
13 32 reports related to the paying of the sales tax for the sale of  
13 33 motor vehicles. Because such sales are now subject to the fee  
13 34 for new vehicle registration and such reports are no longer  
13 35 required, the bill repeals Code section 423.28. The bill makes



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2363 - Introduced continued

14 1 a conforming amendment to Code section 423.57.

14 2     The bill amends Code section 423.36 to provide that a new  
14 3 sales tax permit must be obtained if a place of business is  
14 4 relocated to a new county. This change reflects the current  
14 5 practice of the department and impacts the distribution of  
14 6 local option sales tax revenue.

14 7     The bill amends Code section 423.37 to specify that the  
14 8 period for examination and determination of the correct amount  
14 9 of tax is unlimited, not only for failure to timely file a  
14 10 return but also for failure to timely remit the tax due when  
14 11 no return is required to be filed. Code section 423.37 is  
14 12 further amended to specify that certain authority related  
14 13 to determining the amount of tax due applies not only to an  
14 14 incorrectly or insufficiently filed return, or to a failure to  
14 15 timely file a return, but also to a failure to timely remit  
14 16 taxes when no return is required to be filed.

14 17     The bill amends Code section 424.2, pertaining to the  
14 18 environmental protection charge, by correcting out-of-date  
14 19 language relating to motor fuel outlets. The amendment makes  
14 20 language in Code section 424.2 consistent with similar language  
14 21 used in Code chapter 452A, relating to motor fuel and special  
14 22 fuel taxes.

LSB 5383SV (2) 83

tw/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**Senate File 2364 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SF 2082)

**A BILL FOR**

1 An Act relating to the income tax checkoff for the child  
2 abuse prevention program fund and including retroactive  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 5582SV (1) 83  
tw/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2364 - Introduced continued

PAG LIN

1 1 Section 1. Section 235A.2, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. A child abuse prevention program fund is created in  
1 4 the state treasury under the control of the department of  
1 5 human services. The fund is composed of moneys appropriated  
1 6 or available to and obtained or accepted by the treasurer of  
1 7 state for deposit in the fund. The fund shall include moneys  
1 8 transferred to the fund as provided in section ~~422.12K~~ 422.12F.  
1 9 All interest earned on moneys in the fund shall be credited to  
1 10 and remain in the fund. Section 8.33 does not apply to moneys  
1 11 in the fund.  
1 12 Sec. 2. NEW SECTION. 422.12F Income tax checkoff for child  
1 13 abuse prevention program fund.  
1 14 1. A person who files an individual or a joint income tax  
1 15 return with the department of revenue under section 422.13 may  
1 16 designate one dollar or more to be paid to the child abuse  
1 17 prevention program fund created in section 235A.2. If the  
1 18 refund due on the return or the payment remitted with the  
1 19 return is insufficient to pay the additional amount designated  
1 20 by the taxpayer to the child abuse prevention program fund,  
1 21 the amount designated shall be reduced to the remaining amount  
1 22 remitted with the return. The designation of a contribution  
1 23 to the child abuse prevention program fund under this section  
1 24 is irrevocable.  
1 25 2. The director of revenue shall draft the income tax form  
1 26 to allow the designation of contributions to the child abuse  
1 27 prevention program fund on the tax return. The department of  
1 28 revenue, on or before January 31, shall transfer the total  
1 29 amount designated on the tax return forms due in the preceding  
1 30 calendar year to the child abuse prevention program fund.  
1 31 However, before a checkoff pursuant to this section shall be  
1 32 permitted, all liabilities on the books of the department of  
1 33 administrative services and accounts identified as owing under  
1 34 section 8A.504 and the political contribution allowed under  
1 35 section 68A.601 shall be satisfied.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2364 - Introduced continued

2 1 3. The department of human services may authorize payment  
2 2 of moneys from the child abuse prevention program fund, in  
2 3 accordance with section 235A.2.  
2 4 4. The department of revenue shall adopt rules to administer  
2 5 this section.  
2 6 5. This section is subject to repeal under section 422.12E.  
2 7 Sec. 3. REPEAL. Section 422.12K, Code Supplement 2009, is  
2 8 repealed.  
2 9 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies  
2 10 retroactively to January 1, 2010, for tax years beginning on  
2 11 or after that date.

2 12 EXPLANATION

2 13 This bill relates to the income tax checkoff for the child  
2 14 abuse prevention program fund.  
2 15 Code section 422.12E limits to four the number of income tax  
2 16 checkoffs that can appear on the income tax return. When the  
2 17 same four income tax return checkoffs have been provided on the  
2 18 income tax return for two consecutive years, the two checkoffs  
2 19 for which the least amount has been contributed through March  
2 20 15 of the second tax year are automatically repealed.  
2 21 The bill repeals the existing checkoff for the child abuse  
2 22 prevention program fund and reenacts it as a new checkoff.  
2 23 The bill applies retroactively to January 1, 2010, for tax  
2 24 years beginning on or after that date.

LSB 5582SV (1) 83

tw/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**Senate File 2365 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SF 2233)

**A BILL FOR**

1 An Act providing for the treatment of animals other than  
2 agricultural animals, by providing for regulation of  
3 commercial establishments, providing for reporting of  
4 threatened animals, providing for fees, providing penalties,  
5 and including effective date provisions.

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

TL5B 5294SV (3) 83

da/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

PAG LIN

1 1 Section 1. Section 162.1, Code 2009, is amended to read as  
1 2 follows:

1 3 162.1 ~~Policy~~ Purpose and scope.

1 4 1. The purpose of this chapter is to do all of the  
1 5 following:

1 6 ~~1. a. To insure~~ Insure that all dogs and cats handled by  
1 7 ~~boarding kennels, commercial kennels, commercial breeders,~~  
~~1 8 dealers, and public auctions~~ commercial establishments are  
1 9 provided with humane care and treatment ~~by regulating.~~

1 10 b. Regulate the transportation, sale, purchase, housing,  
1 11 care, handling, and treatment of ~~such animals~~ dogs and cats by  
1 12 persons ~~or organizations~~ engaged in transporting, buying, or  
1 13 selling them ~~and to provide.~~

1 14 c. Provide that all vertebrate animals consigned to pet  
1 15 shops are provided humane care and treatment by regulating the  
1 16 transportation, sale, purchase, housing, care, handling, and  
1 17 treatment of such animals by pet shops.

1 18 ~~2. d. To authorize~~ Authorize the sale, trade, or adoption  
1 19 of only those animals which appear to be free of infectious or  
1 20 communicable disease.

1 21 ~~3. e. To protect~~ Protect the public from zoonotic disease.

1 22 2. This chapter does not apply to livestock as defined  
1 23 in section 717.1 or any other agricultural animal used in  
1 24 agricultural production as provided in chapter 717A.

1 25 Sec. 2. Section 162.2, Code Supplement 2009, is amended by  
1 26 adding the following new subsections:

1 27 NEW SUBSECTION. 4A. "Animal Welfare Act" means the  
1 28 federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations  
1 29 promulgated by the United States department of agriculture and  
1 30 published in 9 C.F.R. ch. 1.

1 31 NEW SUBSECTION. 4B. "Authorization" means a state license,  
1 32 certificate of registration, or permit issued or renewed by the  
1 33 department to a commercial establishment as provided in section  
1 34 162.2A.

1 35 NEW SUBSECTION. 6A. "Commercial establishment" or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

2 1 "establishment" means an animal shelter, boarding kennel,  
2 2 commercial breeder, commercial kennel, dealer, pet shop, pound,  
2 3 public auction, or research facility.  
2 4 NEW SUBSECTION. 8A. "Department" means the department of  
2 5 agriculture and land stewardship.  
2 6 NEW SUBSECTION. 9A. "Federal license" means a license  
2 7 issued by the United States department of agriculture to a  
2 8 person classified as a dealer or exhibitor pursuant to the  
2 9 federal Animal Welfare Act.  
2 10 NEW SUBSECTION. 9B. "Federal licensee" means a person to  
2 11 whom a federal license as a dealer or exhibitor is issued.  
2 12 NEW SUBSECTION. 10A. "Permittee" means a commercial  
2 13 breeder, dealer, or public auction to whom a permit is issued  
2 14 by the department as a federal licensee pursuant to section  
2 15 162.2A.  
2 16 NEW SUBSECTION. 15A. "Registrant" means a pound, animal  
2 17 shelter, or research facility to whom a certificate of  
2 18 registration is issued by the department pursuant to section  
2 19 162.2A.  
2 20 NEW SUBSECTION. 16A. "State fiscal year" means the fiscal  
2 21 year described in section 3.12.  
2 22 NEW SUBSECTION. 16B. "State licensee" means any of the  
2 23 following:  
2 24 a. A boarding kennel, commercial kennel, or pet shop to whom  
2 25 a state license is issued by the department pursuant to section  
2 26 162.2A.  
2 27 b. A commercial breeder, dealer, or public auction to whom  
2 28 a state license is issued in lieu of a permit by the department  
2 29 pursuant to section 162.2A.  
2 30 Sec. 3. Section 162.2, subsections 6 and 13, Code Supplement  
2 31 2009, are amended to read as follows:  
2 32 6. "Commercial breeder" means a person, engaged in the  
2 33 business of breeding dogs or cats, who sells, exchanges,  
2 34 or leases dogs or cats in return for consideration, or who  
2 35 offers to do so, whether or not the animals are raised,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

3 1 trained, groomed, or boarded by the person. A person who  
3 2 owns or harbors three or fewer breeding males or females is  
3 3 not a commercial breeder. However, a person who breeds ~~or~~  
~~3 4 harbors more than three~~ any number of breeding male or female  
3 5 greyhounds for the purposes of using them for pari-mutuel  
3 6 ~~racine~~ wagering at a racetrack as provided in chapter 99D shall  
3 7 be considered a commercial breeder irrespective of whether  
3 8 the person sells, leases, or exchanges the greyhounds for  
3 9 consideration or offers to do so.

3 10 13. "Pound" ~~or "dog pound"~~ means a facility for the  
3 11 prevention of cruelty to animals operated by the state, a  
3 12 municipal corporation, or other political subdivision of the  
3 13 state for the purpose of impounding or harboring seized stray,  
3 14 homeless, abandoned or unwanted dogs, cats or other animals; or  
3 15 a facility operated for such a purpose under a contract with  
3 16 any municipal corporation or incorporated society.

3 17 Sec. 4. NEW SECTION. 162.2A Application, issuance, and  
3 18 renewal of authorizations.

3 19 1. The department shall provide for the operation  
3 20 of a commercial establishment by issuing or renewing an  
3 21 authorization, including any of the following:

3 22 a. A certificate of registration for a pound, animal,  
3 23 shelter, or research facility.

3 24 b. A state license for a boarding kennel, commercial kennel,  
3 25 or pet shop.

3 26 c. A state license or permit for a commercial breeder,  
3 27 dealer, or public auction. A federal licensee must apply for  
3 28 and be issued either a permit or a state license in lieu of a  
3 29 permit.

3 30 2. A person must be issued a separate state license,  
3 31 certificate of registration, or permit for each commercial  
3 32 establishment owned or operated by the person.

3 33 3. A person must apply for the issuance or renewal of an  
3 34 authorization on forms and according to procedures required by  
3 35 rules adopted by the department. The application shall contain



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

4 1 information required by the department, including but not  
4 2 limited to all of the following:  
4 3     a. The person's name.  
4 4     b. The person's principal office or place of business.  
4 5     c. The name, address, and type of establishment covered by  
4 6 the authorization.  
4 7     d. The person's identification number. Notwithstanding  
4 8 chapter 22, the department shall keep the person's tax  
4 9 identification number confidential except for purposes of tax  
4 10 administration by the department of revenue, including as  
4 11 provided in section 421.18.  
4 12     4. The authorization expires on an annual basis as  
4 13 provided by the department, and must be renewed by the  
4 14 commercial establishment on an annual basis on or before the  
4 15 authorization's expiration date.  
4 16     5. a. A commercial establishment applying for the issuance  
4 17 or renewal of a permit shall provide the department with proof  
4 18 that the person is a federal licensee.  
4 19     b. The department shall not require that it must enter onto  
4 20 the premises of a commercial establishment in order to issue a  
4 21 permit. The department shall not require that it must enter  
4 22 onto the premises of a commercial establishment in order to  
4 23 renew a permit, unless it has reasonable cause to monitor the  
4 24 commercial establishment as provided in section 162.10C.  
4 25     Sec. 5. NEW SECTION. 162.2B Fees.  
4 26     The department shall establish, assess, and collect fees as  
4 27 provided in this section.  
4 28     1. A commercial establishment shall pay authorization fees  
4 29 to the department for the issuance or renewal of a certificate  
4 30 of registration, state license, or permit.  
4 31     a. For the issuance or renewal of a certificate of  
4 32 registration, seventy-five dollars.  
4 33     b. For the issuance or renewal of a state license or permit,  
4 34 one hundred seventy-five dollars. However, a commercial  
4 35 breeder who owns, keeps, breeds, or transports a greyhound dog



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

5 1 for pari-mutuel wagering at a racetrack as provided in chapter  
5 2 99D shall pay a different fee for the issuance or renewal of a  
5 3 state license as provided in rules adopted by the department.  
5 4 2. The department shall retain all fees that it collects  
5 5 under this section for the exclusive purpose of administering  
5 6 and enforcing the provisions of this chapter. The fees shall  
5 7 be considered repayment receipts as defined in section 8.2.  
5 8 The general assembly shall appropriate moneys to the department  
5 9 each state fiscal year necessary for the administration and  
5 10 enforcement of this chapter.

5 11 Sec. 6. Section 162.3, Code 2009, is amended by striking the  
5 12 section and inserting in lieu thereof the following:  
5 13 162.3 Operation of a pound == certificate of registration.  
5 14 A pound shall only operate pursuant to a certificate of  
5 15 registration issued or renewed by the department as provided  
5 16 in section 162.2A. A pound may sell dogs or cats under its  
5 17 control, if sales are allowed by the department. The pound  
5 18 shall maintain records as required by the department in order  
5 19 for the department to ensure the pound's compliance with the  
5 20 provisions of this chapter.

5 21 Sec. 7. Section 162.4, Code 2009, is amended by striking the  
5 22 section and inserting in lieu thereof the following:  
5 23 162.4 Operation of an animal shelter == certificate of  
5 24 registration.  
5 25 An animal shelter shall only operate pursuant to a  
5 26 certificate of registration issued or renewed by the department  
5 27 as provided in section 162.2A. An animal shelter may sell dogs  
5 28 or cats if sales are allowed by the department. The animal  
5 29 shelter facility shall maintain records as required by the  
5 30 department in order for the department to ensure the animal  
5 31 shelter's compliance with the provisions of this chapter.

5 32 Sec. 8. NEW SECTION. 162.4A Operation of a research  
5 33 facility == certificate of registration.  
5 34 A research facility shall only operate pursuant to a  
5 35 certificate of registration issued by the department as



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

6 1 provided in section 162.2A. The research facility shall  
6 2 maintain records as required by the department in order for the  
6 3 department to ensure the research facility's compliance with  
6 4 the provisions of this chapter. A research facility shall not  
6 5 purchase a dog or cat from a commercial establishment that does  
6 6 not have a valid authorization issued or renewed under this  
6 7 chapter or a similar authorization issued or renewed by another  
6 8 state.

6 9 Sec. 9. Section 162.5, Code 2009, is amended by striking the  
6 10 section and inserting in lieu thereof the following:

6 11 162.5 Operation of a pet shop == state license.

6 12 A pet shop shall only operate pursuant to a state license  
6 13 issued or renewed by the department pursuant to section  
6 14 162.2A. The pet shop shall maintain records as required by the  
6 15 department in order for the department to ensure the pet shop's  
6 16 compliance with the provisions of this chapter. A pet shop  
6 17 shall not purchase a dog or cat from a commercial establishment  
6 18 that does not have a valid authorization issued or renewed  
6 19 under this chapter or a similar authorization issued or renewed  
6 20 by another state.

6 21 Sec. 10. NEW SECTION. 162.5A Operation of a boarding kennel  
6 22 == state license.

6 23 A boarding kennel shall only operate pursuant to a state  
6 24 license issued by the department as provided in section 162.2A.  
6 25 The boarding kennel shall maintain records as required by  
6 26 the department in order for the department to ensure the  
6 27 boarding kennel's compliance with the provisions of this  
6 28 chapter. A boarding kennel shall not purchase a dog or cat  
6 29 from a commercial establishment that does not have a valid  
6 30 authorization issued or renewed under this chapter or a similar  
6 31 authorization issued or renewed by another state.

6 32 Sec. 11. Section 162.6, Code 2009, is amended by striking  
6 33 the section and inserting in lieu thereof the following:

6 34 162.6 Operation of a commercial kennel == state license.

6 35 A commercial kennel shall only operate pursuant to a state



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

7 1 license issued or renewed by the department as provided in  
7 2 section 162.2A. A commercial kennel shall maintain records  
7 3 as required by the department in order for the department to  
7 4 ensure the commercial kennel's compliance with the provisions  
7 5 of this chapter. A commercial kennel shall not purchase a dog  
7 6 or cat from a commercial establishment that does not have a  
7 7 valid authorization issued or renewed under this chapter or a  
7 8 similar authorization issued or renewed by another state.  
7 9 Sec. 12. Section 162.7, Code 2009, is amended by striking  
7 10 the section and inserting in lieu thereof the following:  
7 11 162.7 Operation of a dealer == state license or permit.  
7 12 A dealer shall only operate pursuant to a state license,  
7 13 or a permit, issued or renewed by the department as provided  
7 14 in section 162.2A. A dealer who is a state licensee shall  
7 15 maintain records as required by the department in order for the  
7 16 department to ensure compliance with the provisions of this  
7 17 chapter. A dealer who is a permittee may but is not required  
7 18 to maintain records. A dealer shall not purchase a dog or cat  
7 19 from a commercial establishment that does not have a valid  
7 20 authorization issued or renewed under this chapter or a similar  
7 21 authorization issued or renewed by another state.  
7 22 Sec. 13. Section 162.8, Code 2009, is amended by striking  
7 23 the section and inserting in lieu thereof the following:  
7 24 162.8 Operation of a commercial breeder == state license or  
7 25 permit.  
7 26 A commercial breeder shall only operate pursuant to a state  
7 27 license, or a permit, issued or renewed by the department  
7 28 as provided in section 162.2A. A commercial breeder who is  
7 29 a state licensee shall maintain records as required by the  
7 30 department in order for the department to ensure the commercial  
7 31 breeder's compliance with the provisions of this chapter. A  
7 32 commercial breeder who is a permittee may but is not required  
7 33 to maintain records. A commercial breeder shall not purchase a  
7 34 dog or cat from a commercial establishment that does not have a  
7 35 valid authorization issued or renewed under this chapter or a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

8 1 similar authorization issued or renewed by another state.  
8 2 Sec. 14. NEW SECTION. 162.9A Operation of a public auction  
8 3 == state license or permit.  
8 4 A public auction shall only operate pursuant to a state  
8 5 license, or a permit, issued or renewed by the department  
8 6 as provided in section 162.2A. A public auction which is  
8 7 a state licensee shall maintain records as required by the  
8 8 department in order for the department to ensure the public  
8 9 auction's compliance with the provisions of this chapter. A  
8 10 public auction which is a permittee may but is not required to  
8 11 maintain records. A public auction shall not purchase a dog or  
8 12 cat from a commercial establishment that does not have a valid  
8 13 authorization issued or renewed under this chapter or a similar  
8 14 authorization issued or renewed by another state.  
8 15 Sec. 15. NEW SECTION. 162.10A Commercial establishments ==  
8 16 standard of care.  
8 17 1. a. A commercial establishment shall provide for a  
8 18 standard of care that ensures that an animal in its possession  
8 19 or under its control is not lacking any of the following:  
8 20 (1) Adequate feed, adequate water, housing facilities,  
8 21 sanitary control, or grooming practices, if such lack causes  
8 22 adverse health or suffering.  
8 23 (2) Veterinary care.  
8 24 b. A commercial establishment, other than a research  
8 25 facility or pet shop, shall provide for the standard of care  
8 26 for dogs and cats in its possession or under its control, and a  
8 27 research facility or pet shop shall provide for the standard  
8 28 of care for vertebrate animals in its possession or under its  
8 29 control.  
8 30 2. a. Except as provided in paragraph "b" or "c", a  
8 31 commercial establishment shall comply with rules that the  
8 32 department adopts to implement subsection 1. A commercial  
8 33 establishment shall be regulated under this paragraph "a"  
8 34 unless the person is a state licensee as provided in paragraph  
8 35 "b" or a permittee as provided in paragraph "c".



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

9 1 b. A state licensee who is a commercial breeder owning,  
9 2 breeding, transporting, or keeping a greyhound dog for  
9 3 pari-mutuel wagering at a racetrack as provided in chapter 99D  
9 4 may be required to comply with different rules adopted by the  
9 5 department.  
9 6 c. A permittee is not required to comply with rules that the  
9 7 department adopts to implement a standard of care as provided  
9 8 in subsection 1 for state licensees and registrants. The  
9 9 department may adopt rules regulating a standard of care for  
9 10 a permittee, so long as the rules are not more restrictive  
9 11 than required for a permittee under the Animal Welfare Act.  
9 12 However, the department may adopt prescriptive rules relating  
9 13 to the standard of care. Regardless of whether the department  
9 14 adopts such rules, a permittee meets the standard of care  
9 15 required in subsection 1, if it voluntarily complies with rules  
9 16 applicable to state licensees or registrants. A finding by  
9 17 the United States department of agriculture that a permittee  
9 18 complies with the Animal Welfare Act is not conclusive when  
9 19 determining that the permittee provides a standard of care  
9 20 required in subsection 1.  
9 21 3. A commercial establishment fails to provide for a  
9 22 standard of care as provided in subsection 1, if the commercial  
9 23 establishment commits abuse as described in section 717B.2,  
9 24 neglect as described in section 717B.3, or torture as provided  
9 25 in section 717B.3A.  
9 26 Sec. 16. NEW SECTION. 162.10B Commercial establishments ==  
9 27 inspecting state licensees and registrants.  
9 28 The department may inspect the commercial establishment of  
9 29 a registrant or state licensee by entering onto its business  
9 30 premises at any time during normal working hours. The  
9 31 department may inspect records required to be maintained by the  
9 32 state licensee or registrant as provided in this chapter. If  
9 33 the owner or person in charge of the commercial establishment  
9 34 refuses admittance, the department may obtain an administrative  
9 35 search warrant issued under section 808.14.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

10 1     Sec. 17. NEW SECTION. 162.10C Commercial establishments ==  
10 2     monitoring permittees.  
10 3     1. The department may monitor the commercial establishment  
10 4     of a permittee by entering onto its business premises at  
10 5     any time during normal working hours. The department shall  
10 6     monitor the commercial establishment for the limited purpose of  
10 7     determining whether the permittee is providing for a standard  
10 8     of care required for permittees under section 162.10A. If  
10 9     the owner or person in charge of the commercial establishment  
10 10     refuses admittance, the department may obtain an administrative  
10 11     search warrant issued under section 808.14.  
10 12     2. In order to enter onto the business premises of a  
10 13     permittee's commercial establishment, the department must have  
10 14     reasonable cause to suspect that the permittee is not providing  
10 15     for the standard of care required for permittees under section  
10 16     162.10A. Reasonable cause must be supported by any of the  
10 17     following:  
10 18     a. An oral or written complaint received by the department  
10 19     by a person. The complainant must provide the complainant's  
10 20     name and address and telephone number. Notwithstanding chapter  
10 21     22, the department's record of a complaint is confidential,  
10 22     unless any of the following apply:  
10 23     (1) The results of the monitoring are used in a contested  
10 24     case proceeding as provided in chapter 17A or in a judicial  
10 25     proceeding.  
10 26     (2) The record is sought in discovery in any administrative,  
10 27     civil, or criminal case.  
10 28     (3) The department's record of a complaint is filed by a  
10 29     person other than an individual.  
10 30     b. A report prepared by a person employed by the United  
10 31     States department of agriculture that requires a permittee to  
10 32     take action necessary to correct a breach of standard of care  
10 33     required of federal licensees by the Animal Welfare Act or of  
10 34     permittees by section 162.10A. The department is not required  
10 35     to dedicate any number of hours to viewing or analyzing such



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

11 1 reports.

11 2 3. When carrying out this section, the department may  
11 3 cooperate with the United States department of agriculture.

11 4 The department shall report any findings resulting in an  
11 5 enforcement action under section 162.10D to the United States  
11 6 department of agriculture.

11 7 Sec. 18. NEW SECTION. 162.10D Commercial establishments ==  
11 8 disciplinary actions.

11 9 1. The department may take disciplinary action against a  
11 10 person by suspending or revoking the person's authorization for  
11 11 violating a provision of this chapter or chapter 717B, or who  
11 12 commits an unlawful practice under section 714.16.

11 13 2. The department may require that an owner, operator, or  
11 14 employee of a commercial establishment subject to disciplinary  
11 15 action under subsection 1 to complete a continuing education  
11 16 program as a condition for retaining an authorization.

11 17 This section does not prevent a person from voluntarily  
11 18 participating in a continuing education program.

11 19 3. The department shall administer the continuing education  
11 20 program by either providing direct instruction or selecting  
11 21 persons to provide such instruction. The department is not  
11 22 required to compensate persons for providing the instruction,  
11 23 and may require attendees to pay reasonable fees necessary to  
11 24 compensate the department providing the instruction or a person  
11 25 selected by the department to provide the instruction. The  
11 26 department shall, to every extent possible, select persons to  
11 27 provide the instruction by consulting with organizations that  
11 28 represent commercial establishments, including but not limited  
11 29 to the Iowa pet breeders association.

11 30 4. The department shall establish the criteria for a  
11 31 continuing education program which shall include at least three  
11 32 and not more than eight hours of instruction. The department  
11 33 shall provide for the program's beginning and ending dates.  
11 34 However, a person must complete the program in twelve months  
11 35 or less.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

12 1 Sec. 19. Section 162.11, subsections 1 and 3, Code 2009, are  
12 2 amended by striking the subsections.

12 3 Sec. 20. Section 162.11, subsection 2, Code 2009, is amended  
12 4 by striking the subsection and inserting in lieu thereof the  
12 5 following:

12 6 2. This chapter does not apply to a federal licensee except  
12 7 as provided in the following:

12 8 a. Sections 162.2, 162.2A, 162.2B, 162.7, 162.8, 162.9A,  
12 9 162.10A, 162.10C, 162.10D, 162.12A, and 162.13.

12 10 b. Section 162.1 but only to the extent required to  
12 11 implement sections described in paragraph "a".

12 12 c. Section 162.16 but only to the extent required to  
12 13 implement sections described in paragraph "a".

12 14 Sec. 21. Section 162.12, Code 2009, is amended to read as  
12 15 follows:

12 16 162.12 Denial or revocation of license or registration.

12 17 A certificate of registration may be denied to any animal  
12 18 shelter, pound, or animal shelter research facility and a  
12 19 state license or certificate of registration may be denied  
12 20 to any public auction, boarding kennel, commercial kennel,  
12 21 ~~research facility~~, pet shop, commercial breeder, or dealer, or  
12 22 an existing certificate of registration or state license may  
12 23 be revoked by the secretary if, after public hearing, it is  
12 24 determined that the housing facilities or primary enclosures  
12 25 are inadequate under this chapter or if the feeding, watering,  
12 26 cleaning, and housing practices at the pound, animal shelter,  
12 27 public auction, pet shop, boarding kennel, commercial kennel,  
12 28 research facility, or those practices by the commercial breeder  
12 29 or dealer, are not in compliance with this chapter or with the  
12 30 rules adopted pursuant to this chapter. The premises of each  
12 31 registrant or state licensee or certificate holder shall be  
12 32 open for inspection during normal business hours.

12 33 Sec. 22. NEW SECTION. 162.12A Civil penalties.

12 34 The department shall establish, impose, and assess civil  
12 35 penalties for violations of this chapter. The department may



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

Senate File 2365 - Introduced continued

13 1 by rule establish a schedule of civil penalties for violations  
13 2 of this chapter. All civil penalties collected under this  
13 3 section shall be deposited into the general fund of the state.  
13 4 1. a. A commercial establishment that operates pursuant  
13 5 to an authorization issued or renewed under this chapter is  
13 6 subject to a civil penalty of not more than five hundred  
13 7 dollars, regardless of the number of animals possessed or  
13 8 controlled by the commercial establishment, for violating this  
13 9 chapter. Except as provided in paragraph "b", each day that a  
13 10 violation continues shall be deemed a separate offense.  
13 11 b. This paragraph applies to a commercial establishment  
13 12 that violates a standard of care involving housing as provided  
13 13 in section 162.10A. The departmental official who makes  
13 14 a determination that a violation exists shall provide a  
13 15 corrective plan to the commercial establishment describing how  
13 16 the violation will be corrected within a compliance period of  
13 17 not more than fifteen days from the date of approval by the  
13 18 official of the corrective plan. The civil penalty shall not  
13 19 exceed five hundred dollars for the first day of the violation.  
13 20 After that day, the department shall not impose a civil penalty  
13 21 for the violation during the compliance period. The department  
13 22 shall not impose an additional civil penalty, unless the  
13 23 commercial establishment fails to correct the violation by the  
13 24 end of the compliance period. If the commercial establishment  
13 25 fails to correct the violation by the end of the compliance  
13 26 period, each day that the violation continues shall be deemed a  
13 27 separate offense.  
13 28 2. A commercial establishment that does not operate  
13 29 pursuant to an authorization issued or renewed under this  
13 30 chapter is subject to a civil penalty of not more than one  
13 31 thousand dollars, regardless of the number of animals possessed  
13 32 or controlled by the commercial establishment, for violating  
13 33 this chapter. Each day that a violation continues shall be  
13 34 deemed a separate offense.  
13 35 Sec. 23. Section 162.13, Code 2009, is amended to read as



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

14 1 follows:

14 2 ~~162.13 Penalties~~ Criminal penalties == confiscation.

14 3 1. Operation of a pound, animal shelter, pet shop, boarding  
~~14 4 kennel, commercial kennel, research facility, or public~~  
~~14 5 auction, or dealing in dogs or cats, or both, either as a~~  
~~14 6 dealer or a commercial breeder, without a currently valid~~  
~~14 7 license or a certificate of registration is~~ A person who  
14 8 operates a commercial establishment without an authorization  
14 9 issued or renewed by the department as required in section  
14 10 162.2A is guilty of a simple misdemeanor and each day of  
14 11 operation is a separate offense.

14 12 2. The failure of any pound, research facility, animal  
~~14 13 shelter, pet shop, boarding kennel, commercial kennel,~~  
~~14 14 commercial breeder, public auction, or dealer, to adequately~~  
~~14 15 house, feed, or water dogs, cats, or vertebrate animals in~~  
~~14 16 the person's or facility's possession or custody~~ a person  
14 17 who owns or operates a commercial establishment to meet the  
14 18 standard of care required in section 162.10A, subsection 1, is  
14 19 a simple misdemeanor. The animals are subject to seizure and  
14 20 impoundment and may be sold or destroyed as provided by rules  
14 21 which shall be adopted by the department pursuant to chapter  
14 22 17A. The rules shall provide for the destruction of an animal  
14 23 by a humane method, including by euthanasia.

14 24 3. The failure of a person who owns or operates a commercial  
14 25 establishment to meet the requirements of this section is  
14 26 also cause for the suspension or revocation or suspension  
~~14 27 of license or registration after public hearing of the~~  
14 28 person's authorization as provided in section 162.10D. The  
~~14 29 commission of an act declared to be an unlawful practice under~~  
~~14 30 section 714.16 or prohibited under chapter 717 or 717B, by~~  
~~14 31 a person licensed or registered under this chapter is cause~~  
~~14 32 for revocation or suspension of the license or registration~~  
~~14 33 certificate.~~

14 34 4. Dogs, cats, and other vertebrates ~~vertebrate~~  
14 35 animals upon which euthanasia is permitted by law may be



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

15 1 destroyed by a person subject to this chapter or chapter 169,  
15 2 by a humane method, including euthanasia, as provided by rules  
15 3 which shall be adopted by the department pursuant to chapter  
15 4 17A.  
15 5 5. It is unlawful for a dealer to knowingly ship a diseased  
15 6 animal. A dealer violating this ~~paragraph~~ subsection is  
15 7 subject to a fine not exceeding one hundred dollars.  
15 8 Each diseased animal shipped in violation of this  
15 9 ~~paragraph~~ subsection is a separate offense.  
15 10 Sec. 24. Section 162.16, Code 2009, is amended by striking  
15 11 the section and inserting in lieu thereof the following:  
15 12 162.16 Rules.  
15 13 The department shall adopt rules and promulgate forms  
15 14 necessary to administer and enforce the provisions of this  
15 15 chapter.  
15 16 Sec. 25. Section 717B.1, Code 2009, is amended by adding the  
15 17 following new subsection:  
15 18 NEW SUBSECTION. 3A. "Department" means the department of  
15 19 agriculture and land stewardship.  
15 20 Sec. 26. Section 717B.1, Code 2009, is amended by adding the  
15 21 following new subsection:  
15 22 NEW SUBSECTION. 3A. "Department" means the department of  
15 23 agriculture and land stewardship.  
15 24 Sec. 27. NEW SECTION. 717B.10 Threatened animal reporting  
15 25 by veterinarians.  
15 26 This section applies to a veterinarian who is licensed or who  
15 27 holds a valid temporary permit to practice veterinary medicine  
15 28 in this state pursuant to chapter 169.  
15 29 1. A veterinarian who is presented with an animal for  
15 30 examination or treatment shall file a threatened animal report  
15 31 if the veterinarian determines that the animal is a threatened  
15 32 animal.  
15 33 2. The department shall establish a system of receiving and  
15 34 filing threatened animal reports, including the promulgation  
15 35 of forms. A threatened animal report shall be in writing in



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

16 1 a printed or electronic format as required by the department.  
16 2 The threatened animal report shall include information as  
16 3 required by the department which shall at least include all of  
16 4 the following:

- 16 5     a. Information identifying the veterinarian.
- 16 6     b. Information identifying the responsible party, including  
16 7 the name and address of the responsible party.
- 16 8     c. Information identifying the threatened animal,  
16 9 including by family and species classification, the name and a  
16 10 description of the threatened animal, and any other identifying  
16 11 information accessed from an installed identification device  
16 12 as defined in section 169A.1.
- 16 13     d. The date that the veterinarian examined or treated the  
16 14 threatened animal.
- 16 15     e. A summary description of the threatened animal's  
16 16 condition and any required treatment whether or not  
16 17 administered.

16 18     3. A veterinarian shall use best efforts to complete the  
16 19 threatened animal report, but is not required to conduct an  
16 20 inquiry in order to obtain information solely to complete the  
16 21 report.

16 22     4. A veterinarian who in good faith files a threatened  
16 23 animal report with the department shall not be criminally or  
16 24 civilly liable, including for damages for acts or omissions  
16 25 in preparing or filing the threatened animal report, or  
16 26 cooperating with the department or a local authority. The good  
16 27 faith of the veterinarian is presumed as a matter of law.

16 28     5. A veterinarian is not required to file a threatened  
16 29 animal report if any of the following apply:

- 16 30     a. The veterinarian when examining or treating a threatened  
16 31 animal is any of the following:
  - 16 32         (1) Employed by the state or local authority.
  - 16 33         (2) Under contract with state or local authority.
  - 16 34         (3) Under the supervision of the state or local authority.
- 16 35     b. The veterinarian is conducting an examination or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

17 1 treatment pursuant to court order.

17 2 6. The department may forward a threatened animal report  
17 3 to the local authority where the responsible party resides  
17 4 or where the threatened animal is kept. The department may  
17 5 investigate a commercial establishment identified as the  
17 6 responsible party in a threatened animal report.

17 7 7. The department shall record a veterinarian who fails to  
17 8 file a threatened animal report as required by this section.  
17 9 Prior to recording the veterinarian, the department shall  
17 10 notify the veterinarian of its determination and provide the  
17 11 veterinarian with an opportunity to contest the determination  
17 12 pursuant to chapter 17A. A veterinarian who is recorded and  
17 13 who subsequently fails to file a threatened animal report  
17 14 is guilty of a simple misdemeanor. The department may  
17 15 refer information regarding such failure subsequent to the  
17 16 veterinarian's recording under this subsection to the county  
17 17 attorney in the county where the veterinarian is practicing  
17 18 or to the attorney general who may initiate and carry out  
17 19 the prosecution in cooperation, if possible, with the county  
17 20 attorney.

17 21 Sec. 28. REPEAL. Sections 162.9, 162.10, and 162.18, Code  
17 22 2009, are repealed.

17 23 Sec. 29. CURRENT DEPARTMENTAL RULES. This Act does not  
17 24 diminish the authority of the department of agriculture and  
17 25 land stewardship to regulate different types of commercial  
17 26 establishments as provided in 21 IAC ch. 67.

17 27 Sec. 30. ISSUANCE OF PERMITS. This Act does not require  
17 28 a commercial establishment that has been issued or renewed a  
17 29 certificate of registration to be issued a permit earlier than  
17 30 required in section 162.2A for the renewal of a permit. The  
17 31 person shall hold the certificate of registration in the same  
17 32 manner as a permit pursuant to this Act.

17 33 Sec. 31. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
17 34 of immediate importance, takes effect upon enactment.

17 35 EXPLANATION



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

18 1 GENERAL. This bill provides for the regulation of  
18 2 commercial establishments that possess or control animals,  
18 3 other than animals used for an agricultural purpose, by the  
18 4 department of agriculture and land stewardship. Under current  
18 5 law an animal shelter, pound, or research facility must obtain  
18 6 a certificate of registration; a pet shop, boarding kennel, or  
18 7 commercial kennel must obtain a state license; and a commercial  
18 8 breeder, dealer, and public auction must obtain a certificate  
18 9 of registration because they are federally licensed. The bill  
18 10 provides that a commercial breeder, dealer, and public auction  
18 11 must obtain a permit instead of a certificate of registration.  
18 12 All of these documents are referred to as authorizations.  
18 13 AUTHORIZATION. The bill provides that a commercial  
18 14 establishment must pay a fee for being issued or renewed an  
18 15 authorization. The bill increases fees required to be paid for  
18 16 the issuance or renewal of an authorization. The bill requires  
18 17 the department to establish different fees for greyhounds kept  
18 18 for racing and to regulate a commercial breeder who breeds  
18 19 any number of greyhounds. It places a restriction upon the  
18 20 department's power to enter onto the premises of a commercial  
18 21 establishment being issued a permit.  
18 22 PURCHASE OF DOGS AND CATS BY UNAUTHORIZED COMMERCIAL  
18 23 ESTABLISHMENTS. The bill prohibits a research facility, pet  
18 24 shop, boarding kennel, commercial kennel, dealer, commercial  
18 25 breeder, or public auction from purchasing a dog or cat from a  
18 26 commercial establishment, that is not authorized in this state  
18 27 or another state.  
18 28 STANDARD OF CARE. The bill requires that commercial  
18 29 establishments must operate pursuant to an authorization and  
18 30 requires registrants and state licensees to maintain records.  
18 31 The bill provides for a general standard of care for all  
18 32 commercial establishments. The commercial establishment must  
18 33 ensure that an animal in its possession or under its control is  
18 34 not lacking adequate feed, adequate water, housing facilities,  
18 35 sanitary control, grooming practices affecting the health of



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

19 1 the animal, or veterinary care. A registrant or state licensee  
19 2 must comply with departmental rules, with two exceptions.  
19 3 The department may adopt different rules that apply to state  
19 4 licensees who keep greyhounds for racing. A permittee may meet  
19 5 the standard of care without complying with the departmental  
19 6 rules. It may also fail to meet the standard of care even  
19 7 though it passes a federal inspection. The department may  
19 8 adopt rules implementing a standard of care so long as the  
19 9 rules are not more restrictive than the federal Animal Welfare  
19 10 Act. The bill allows the department to adopt prescriptive  
19 11 rules. A person who commits animal cruelty under Code chapter  
19 12 717B fails to meet the standard of care.

19 13 ENTERING ONTO THE BUSINESS PREMISES. The bill provides  
19 14 that the department may inspect a registrant or state licensee  
19 15 by entering onto its business premises and may inspect its  
19 16 records. The department may monitor a permittee by entering  
19 17 onto its business premises for the limited purpose of  
19 18 determining whether the permittee is providing for the required  
19 19 standard of care. In order to enter onto the premises of a  
19 20 permittee, the department must have reasonable cause supported  
19 21 by an oral or written complaint or a report filed by the United  
19 22 States department of agriculture. The bill provides for the  
19 23 confidentiality of complaints filed by individuals unless they  
19 24 are relevant to an administrative or court proceeding.

19 25 DISCIPLINARY ACTIONS. The bill provides that the department  
19 26 may take disciplinary action against a commercial establishment  
19 27 by suspending or revoking the commercial establishment's  
19 28 authorization. The department may require that an owner,  
19 29 operator, or employee of a commercial establishment complete  
19 30 a continuing education program which is supervised by the  
19 31 department but may be administered by a person selected by the  
19 32 department.

19 33 EXCEPTIONS. The bill eliminates provisions that exempted  
19 34 federal licensees from regulations. It provides that  
19 35 permittees are subject to regulation as expressly provided in



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate File 2365 - Introduced continued

20 1 the Code chapter.

20 2 PENALTIES. The bill authorizes the department to establish,  
20 3 impose, and assess civil penalties for violations of the bill's  
20 4 provisions. For an authorized commercial establishment the  
20 5 civil penalty is up to \$500 per each day of a violation. For a  
20 6 housing violation, the civil penalty is assessed for the first  
20 7 day, but not for the subsequent 15 days to allow for correction  
20 8 according to a departmental plan.

20 9 Generally a person who violates a standard of care is guilty  
20 10 of a simple misdemeanor. The bill provides that a person  
20 11 who operates a commercial establishment without obtaining an  
20 12 authorization is guilty of a simple misdemeanor. A simple  
20 13 misdemeanor is punishable by confinement for no more than 30  
20 14 days or a fine of at least \$65 but not more than \$625 or by  
20 15 both.

20 16 RULES. The bill authorizes the department to adopt rules  
20 17 necessary to administer and enforce the provisions of the bill  
20 18 amending Code chapter 162. It eliminates a provision that  
20 19 provides the department cannot adopt rules more stringent than  
20 20 federal regulations.

20 21 CURRENT DEPARTMENTAL RULES. The bill provides that it  
20 22 does not diminish the authority of the department to regulate  
20 23 different types of commercial establishments as provided in its  
20 24 rules.

20 25 MANDATORY REPORTING BY VETERINARIANS. The bill provides  
20 26 that a veterinarian who is licensed or who holds a valid  
20 27 temporary permit to practice veterinary medicine under Code  
20 28 chapter 169 must file a report with the department if the  
20 29 veterinarian determines that an animal other than livestock is  
20 30 threatened by neglect, abuse, or cruelty as those offenses are  
20 31 defined in Code chapter 717B. The bill provides for procedures  
20 32 required to file a report. The department may forward the  
20 33 report to a local authority for enforcement. There is no  
20 34 penalty for a veterinarian who on the first occasion fails to  
20 35 file a report. The bill shields a veterinarian who files a



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate File 2365 - Introduced continued

21 1 report with the department in good faith from criminal or civil  
21 2 liability. A veterinarian who subsequently fails to file a  
21 3 report after the department provides the veterinarian a warning  
21 4 for the first offense is guilty of a simple misdemeanor.  
21 5 A simple misdemeanor is punishable by confinement for no  
21 6 more than 30 days and a fine of at least \$65 but not more than  
21 7 \$625 or both.  
21 8 EFFECTIVE DATE. The bill takes effect upon enactment.  
LSB 5294SV (3) 83  
da/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**Senate Study Bill 3233**

SENATE FILE

BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

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

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

TLSB 5707XC (2) 83

ak/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3233 continued

PAG LIN

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

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



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

**Senate Study Bill 3234**

SENATE FILE

BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act relating to the policy administration of the tax  
2 and related laws by the department of revenue, including  
3 administration of income taxes, sales and use taxes, motor  
4 fuel taxes, property taxes, and inheritance taxes, providing  
5 for taxpayer information exchanges with the department of  
6 workforce development, making penalties applicable, and  
7 including effective date and applicability provisions.

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

TLSB 6247XC (4) 83

tw/sc



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

PAG LIN

1 1 DIVISION I  
1 2 WITHHOLDING TAX CREDITS  
1 3 Section 1. Section 15A.7, unnumbered paragraph 1, Code  
1 4 Supplement 2009, is amended to read as follows:  
1 5 In order to promote the creation of additional high-quality  
1 6 new jobs within the state, an agreement under section 260E.3  
1 7 may include a provision for a supplemental new jobs credit from  
1 8 withholding from jobs created under the agreement. As used in  
1 9 this section, "new jobs credit from withholding" means the same  
1 10 as defined in section 260E.2. A provision in an agreement for  
1 11 which a supplemental credit from withholding is included shall  
1 12 provide for the following:  
1 13 Sec. 2. Section 15A.9, subsection 3, paragraph a,  
1 14 unnumbered paragraph 1, Code Supplement 2009, is amended to  
1 15 read as follows:  
1 16 At the request of the primary business or a supporting  
1 17 business, an agreement authorizing a supplemental new  
1 18 jobs credit from withholding from jobs within the zone  
1 19 may be entered into between the department of revenue, a  
1 20 community college, and the primary business or a supporting  
1 21 business. As used in this subsection, "new jobs credit from  
1 22 withholding" means the same as defined in section 260E.2. The  
1 23 agreement shall be for program services for an additional job  
1 24 training project, as defined in chapter 260E. The agreement  
1 25 shall provide for the following:  
1 26 Sec. 3. Section 15E.197, subsection 4, Code Supplement  
1 27 2009, is amended to read as follows:  
1 28 4. For purposes of this section, "eligible business" means  
1 29 a business which has been approved to receive incentives and  
1 30 assistance by the department of economic development pursuant  
1 31 to application as provided in section 15E.195, and "new jobs  
1 32 credit from withholding" means the same as defined in section  
1 33 260E.2.  
1 34 Sec. 4. Section 260E.2, subsection 11, Code 2009, is amended  
1 35 to read as follows:



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

2 1 11. "New jobs credit from withholding" means the  
2 2 ~~credit~~ procedure for crediting to employers the amount of  
2 3 withholding tax payments made by the department of revenue to  
2 4 community colleges as provided in section 260E.5.  
2 5 Sec. 5. Section 260E.5, subsections 2, 4, 5, and 6, Code  
2 6 2009, are amended to read as follows:  
2 7 2. a. The employer shall remit the total amount of  
2 8 withholding payments due pursuant to section 422.16 to the  
2 9 department of revenue. An amount equal to one and one-half  
2 10 percent of the gross wages paid by the employer to each  
2 11 employee participating in a project shall be credited from the  
2 12 payment made by an employer pursuant to section 422.16. If  
2 13 ~~the amount of the withholding by the employer is less than one~~  
2 14 ~~and one-half percent of the gross wages paid to the employees~~  
2 15 ~~covered by the agreement, then the employer shall receive a~~  
2 16 ~~credit against other withholding taxes due by the employer.~~  
2 17 ~~The employer shall remit the amount of the credit quarterly~~  
2 18 ~~in the same manner as withholding payments are reported to~~  
2 19 ~~the department of revenue, withholding tax payments to be~~  
2 20 made by the department of revenue on a quarterly basis to the  
2 21 account of each community college to be allocated to and when  
2 22 collected paid into a special fund of the community college to  
2 23 pay the principal of and interest on certificates issued by the  
2 24 community college to finance or refinance, in whole or in part,  
2 25 the project.  
2 26 b. When the principal and interest on the certificates have  
2 27 been paid, the ~~employer credits~~ department of revenue shall  
2 28 ~~cease and any money to credit withholding tax moneys to the~~  
2 29 account of the community college. All moneys received after  
2 30 the certificates have been paid shall be remitted to the  
2 31 treasurer of state to be deposited in the general fund of the  
2 32 state.  
2 33 4. The employer shall certify to the department of revenue  
2 34 that the new jobs credit ~~is~~ from withholding is in accordance  
2 35 with an agreement and shall provide any other information the



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

3 1 department may require.

3 2 5. A In order to receive the moneys credited to a community

3 3 college's account, the community college shall certify to

3 4 the department of revenue the amount of new jobs credit

~~3 5 from withholding an employer has remitted to be allocated~~

3 6 and paid to the special fund and shall provide any other

3 7 information the department may require. Upon reviewing the

3 8 required information and verifying that the certified amount

3 9 is correct, the department of revenue shall pay the certified

3 10 amount into the special fund of the community college.

3 11 6. An employee participating in a project ~~will~~ must receive

3 12 full credit for the amount withheld as provided in section

3 13 422.16.

3 14 Sec. 6. Section 260G.2, subsection 13, Code 2009, is amended

3 15 to read as follows:

3 16 13. "Program job credit" means the ~~credit~~ procedure for

3 17 crediting to employers the amount of withholding tax payments

3 18 made by the department of revenue to community colleges as

3 19 provided in section 260G.4A.

3 20 Sec. 7. Section 260G.4A, subsections 2 through 5, Code 2009,

3 21 are amended to read as follows:

3 22 2. a. Eligibility for program job credits shall be

3 23 based on certification of program job positions and program

3 24 job wages by the employer at the time established in the

3 25 agreement. An employer shall remit the total amount of

3 26 withholding payments due pursuant to section 422.16 to the

3 27 department of revenue. An amount up to ten percent of the

3 28 gross program job wage as certified by the employer in the

3 29 agreement shall be credited from the total payment made by

~~3 30 an employer pursuant to section 422.16. The employer shall~~

~~3 31 receive a credit against all withholding taxes due by the~~

~~3 32 employer regardless of whether or not the withholding from the~~

~~3 33 employer of current program job wages is less than ten percent.~~

~~3 34 The employer shall remit the amount of the credit quarterly in~~

~~3 35 the same manner as withholding payments are reported to the~~



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

~~Senate Study Bill 3234 continued~~

~~4 1 department of revenue, withholding tax payments to be made by  
4 2 the department of revenue on a quarterly basis to the account  
4 3 of each community college to be allocated to and when collected  
4 4 paid into a special fund of the community college to pay, in  
4 5 part, the program costs.~~

~~4 6 b. When the program costs have been paid, the employer  
4 7 credits department of revenue shall cease and any to credit  
4 8 withholding tax moneys to the account of the community college.  
4 9 All moneys received after the program costs have been paid  
4 10 shall be remitted to the treasurer of state to be deposited in  
4 11 the general fund of the state.~~

~~4 12 3. The employer shall certify to the department of revenue  
4 13 that the program job credit is in accordance with the agreement  
4 14 and shall provide any other information the department may  
4 15 require.~~

~~4 16 4. A In order to receive the moneys credited to a community  
4 17 college's account, the community college shall certify to  
4 18 the department of revenue that the amount of the program job  
4 19 credit to be allocated and paid to the special fund is correct  
4 20 and in accordance with an agreement and shall provide any other  
4 21 information the department may require. Upon reviewing the  
4 22 required information and verifying that the certified amount  
4 23 is correct, the department of revenue shall pay the certified  
4 24 amount into the special fund of the community college.~~

~~4 25 5. Employees from of an employer participating in an  
4 26 agreement shall must receive full credit for the amount  
4 27 withheld as provided in section 422.16.~~

~~4 28 Sec. 8. Section 403.19A, subsection 1, Code Supplement  
4 29 2009, is amended by adding the following new paragraph:~~

~~4 30 NEW PARAGRAPH. Og. "Targeted jobs withholding credit"  
4 31 means the procedure for crediting to employers the amount of  
4 32 withholding tax payments made by the department of revenue to a  
4 33 pilot project city as provided in subsection 3.~~

~~4 34 Sec. 9. Section 403.19A, subsection 3, paragraphs a, b,  
4 35 e, f, g, and h, Code Supplement 2009, are amended to read as~~



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

5 1 follows:

5 2 a. A pilot project city ~~may provide by ordinance for~~  
~~5 3 the deposit into a designated account in the special fund~~  
~~5 4 described in section 403.19, subsection 2, of the targeted~~  
~~5 5 jobs withholding credit described in this section and an~~  
~~5 6 employer may enter into a withholding agreement pursuant to~~  
~~5 7 this subsection. Such an agreement may include a provision~~  
~~5 8 for a targeted jobs withholding credit. The targeted jobs~~  
~~5 9 withholding credit shall be based upon the wages paid to~~  
~~5 10 employees pursuant to a withholding agreement.~~  
5 11 b. The employer shall remit the total amount of withholding  
5 12 payments due pursuant to section 422.16 to the department  
5 13 of revenue. An amount equal to three percent of the gross  
5 14 wages paid by an employer to each employee under a withholding  
5 15 agreement shall be credited from the payment made by the  
~~5 16 employer pursuant to section 422.16. If the amount of the~~  
~~5 17 withholding by the employer is less than three percent of the~~  
~~5 18 gross wages paid to the employees covered by the withholding~~  
~~5 19 agreement, the employer shall receive a credit against other~~  
~~5 20 withholding taxes due by the employer or may carry the credit~~  
~~5 21 forward for up to ten years or until depleted, whichever is the~~  
~~5 22 earlier. The employer shall remit the amount of the credit~~  
~~5 23 quarterly, in the same manner as withholding payments are~~  
~~5 24 reported to the department of revenue, withholding tax payments~~  
5 25 to be made by the department of revenue on a quarterly basis to  
5 26 the account of each pilot project city to be allocated to and  
5 27 when collected paid into a designated account in the special  
5 28 fund for the urban renewal area in which the targeted jobs are  
5 29 located. All amounts so deposited shall be used or pledged by  
5 30 the pilot project city for an urban renewal project related to  
5 31 the employer pursuant to the withholding agreement.  
5 32 e. (1) The employer shall certify to the department  
5 33 of revenue that the targeted jobs withholding credit is in  
5 34 accordance with the withholding agreement and shall provide  
5 35 any other information the department may require. Notice of



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

6 1 any withholding agreement shall be provided promptly to the  
6 2 department of revenue following execution of the agreement by  
6 3 the pilot project city and the employer.

6 4 (2) Following termination of the withholding agreement,  
6 5 the ~~employer credits~~ department of revenue shall cease ~~and any~~  
~~6 6 money to credit withholding tax moneys to the account of the~~  
~~6 7 pilot project city. All moneys received by the pilot project~~  
~~6 8 city~~ after termination shall be remitted to the treasurer of  
6 9 state to be deposited into the general fund of the state.  
6 10 Notice shall be provided promptly to the department of revenue  
6 11 following termination.

6 12 f. If the employer ceases to meet the requirements of the  
6 13 withholding agreement, the agreement shall be terminated and  
6 14 any targeted jobs withholding tax credits for the benefit  
~~6 15 of payments credited to the employer~~ employer's obligations  
6 16 under the agreement shall cease. However, in regard to the  
6 17 number of new jobs that are to be created, if the employer  
6 18 has met the number of new jobs to be created pursuant to  
6 19 the withholding agreement and subsequently the number of new  
6 20 jobs falls below the required level, the employer shall not  
6 21 be considered as not meeting the new job requirement until  
6 22 eighteen months after the date of the decrease in the number of  
6 23 new jobs created.

6 24 g. ~~A~~ In order to receive the moneys credited to a pilot  
~~6 25 project city's account, the pilot project city shall certify~~  
6 26 to the department of revenue the amount of the targeted jobs  
6 27 withholding credit ~~an employer has remitted to the city to~~  
6 28 be allocated and paid to the special fund as provided for  
6 29 under the agreement and shall provide any other information  
6 30 the department may require. Upon reviewing the required  
6 31 information and verifying that the certified amount is correct,  
6 32 the department of revenue shall pay the certified amount into  
6 33 the designated account of the special fund of the urban renewal  
6 34 area in which the targeted jobs are located.

6 35 h. An employee whose wages are subject to a withholding



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

7 1 agreement ~~shall~~ must receive full credit for the amount  
7 2 withheld as provided in section 422.16.

7 3 Sec. 10. Section 403.19A, subsection 3, paragraph j,  
7 4 subparagraph (1), Code Supplement 2009, is amended to read as  
7 5 follows:

7 6 (1) A pilot project city entering into a withholding  
7 7 agreement shall arrange for matching local financial support  
7 8 for the project. The local match required under this paragraph  
7 9 "j" shall be in an amount equal to one dollar for every dollar  
7 10 of targeted jobs withholding ~~credit~~ tax payments received by  
7 11 the pilot project city from the department of revenue.

7 12 Sec. 11. Section 422.16A, Code 2009, is amended to read as  
7 13 follows:

7 14 422.16A Job training withholding == certification and  
7 15 transfer.

7 16 Upon the completion ~~by a business of its repayment~~

~~7 17 obligation of the payment of program costs for a training~~  
7 18 ~~project funded under chapter 260E, including a job training~~  
7 19 ~~project funded under section 15A.8 or repaid in whole or in~~  
7 20 ~~part by the supplemental new jobs credit from withholding~~  
7 21 ~~under section 15A.7 or section 15E.197, the sponsoring~~  
7 22 ~~community college shall report to the department of economic~~  
7 23 ~~development the amount of withholding~~ ~~paid by the business tax~~  
7 24 ~~payments credited by the department of revenue to the account~~

~~7 25 of the community college during the final twelve months of~~  
7 26 ~~withholding payments. The department of economic development~~  
7 27 ~~shall notify the department of revenue of~~ ~~that the amount~~  
7 28 ~~reported by the community college. The department of~~  
7 29 ~~revenue shall credit to the workforce development fund account~~  
7 30 ~~established in section 15.342A twenty-five percent of that~~  
7 31 ~~amount each quarter for a period of ten years. If the amount~~  
7 32 ~~of withholding~~ ~~from the business or employer~~ credited by  
7 33 the department of revenue is insufficient, the department  
7 34 of revenue shall prorate the quarterly amount credited to  
7 35 the workforce development fund account. The maximum amount



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

8 1 ~~from all employers of withholding tax credit~~ which shall be  
8 2 transferred to the workforce development fund account in any  
8 3 year is four million dollars.

8 4 Sec. 12. APPLICABILITY.

8 5 1. This division of this Act applies to all agreements  
8 6 concerning withholding tax credit payments entered into  
8 7 pursuant to the provisions of chapters 260E and 260G and  
8 8 section 403.19A before, on, or after the effective date of this  
8 9 division of this division of this Act.

8 10 2. An agreement entered into prior to the effective date of  
8 11 this division of this Act shall be administered in compliance  
8 12 with the provisions of this division of this Act, and the  
8 13 parties to such agreements shall amend the agreements as  
8 14 necessary.

8 15 DIVISION II  
8 16 PROPERTY TAXES

8 17 Sec. 13. Section 421.17, subsection 17, Code 2009, is  
8 18 amended to read as follows:

8 19 17. To prepare and issue a state appraisal manual which each  
8 20 county and city assessor shall use in assessing and valuing all  
8 21 classes of property in the state. The appraisal manual shall  
8 22 be continuously revised and the manual and revisions shall be  
8 23 issued to the county and city assessors in such form and manner  
8 24 as prescribed by the director. The director may approve an  
8 25 alternate appraisal manual for use by a city or county assessor  
8 26 if the director determines that the manual is uniform and  
8 27 consistent with the state appraisal manual.

8 28 Sec. 14. Section 421.30, subsection 7, Code 2009, is amended  
8 29 to read as follows:

8 30 7. Any reassessment of property ordered by the director,  
8 31 whether or not undertaken with funds provided in this section,  
8 32 shall be conducted by the assessor in accordance with the Iowa  
8 33 real property appraisal manual ~~issued under authority of or an~~  
8 34 approved alternate appraisal manual as described in section  
8 35 421.17, subsection 17, the assessment laws of this state, and



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

9 1 any reassessment order issued by the director under authority  
9 2 of this chapter. The conference board may employ appraisers  
9 3 or other expert help to assist the assessor in completing  
9 4 the reassessment, except that no conference board receiving  
9 5 funds under this section shall enter into a contract for  
9 6 the reassessment of property until the board's proposal for  
9 7 completing the reassessment is approved. The director shall  
9 8 supervise the conduct of all reassessments of property and  
9 9 issue to the assessor or conference board such instructions,  
9 10 directives, or orders as are necessary to ensure compliance  
9 11 with the provisions of this section and the assessment laws of  
9 12 this state.

9 13 Sec. 15. Section 427B.4, Code 2009, is amended to read as  
9 14 follows:

9 15 427B.4 Application for exemption by property owner.

9 16 1. a. An application shall be filed for each project  
9 17 resulting in actual value added for which an exemption is  
9 18 claimed. The first application for exemption shall be filed  
9 19 by the owner of the property with the ~~local assessor~~ governing  
9 20 body of the city or county in which the property is located by  
9 21 February 1 of the assessment year in which the value added is  
9 22 first assessed for taxation for which the exemption is first  
9 23 claimed, but not later than the year in which all improvements  
9 24 included in the project are first assessed for taxation, or the  
9 25 following two assessment years.

9 26 b. Applications for exemption shall be made on forms  
9 27 prescribed by the director of revenue and shall contain  
9 28 information pertaining to the nature of the improvement, its  
9 29 cost, the estimated or actual date of completion, whether  
9 30 the exemption schedule described in section 427B.3 or an  
9 31 alternate schedule adopted pursuant to section 427B.1 will be  
9 32 elected, and any other information deemed necessary by the  
9 33 director of revenue.

9 34 2. a. A person may submit a proposal to the city council  
9 35 of the city or the board of supervisors of a county to receive



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

10 1 prior approval for eligibility for a tax exemption on new  
10 2 construction. The city council or the board of supervisors, by  
10 3 ordinance, may give its prior approval of a tax exemption for  
10 4 new construction if the new construction is in conformance with  
10 5 the zoning plans for the city or county. The prior approval  
10 6 shall also be subject to the hearing requirements of section  
10 7 427B.1.

10 8 b. Prior approval received under this subsection does not  
10 9 entitle the owner to exemption from taxation until the new  
10 10 construction has been completed and found to be qualified real  
10 11 estate. However, if the tax exemption for new construction is  
10 12 not approved, the person may submit an amended proposal to the  
10 13 city council or board of supervisors to approve or reject.

10 14 Sec. 16. Section 441.21, subsection 1, paragraphs h and i,  
10 15 Code Supplement 2009, are amended to read as follows:

10 16 h. The assessor shall determine the value of real property  
10 17 in accordance with rules adopted by the department of revenue  
10 18 and in accordance with either the forms and guidelines  
10 19 contained in the real property appraisal manual prepared by the  
10 20 department as updated from time to time or with an alternate  
10 21 appraisal manual approved for use pursuant to section 421.17,  
10 22 subsection 17. Such rules, forms, and guidelines shall not  
10 23 be inconsistent with or change the means, as provided in this  
10 24 section, of determining the actual, market, taxable, and  
10 25 assessed values.

10 26 i. (1) If the department finds that a city or county  
10 27 assessor is not in compliance with the rules of the department  
10 28 relating to valuation of property or has disregarded either the  
10 29 forms and guidelines contained in the real property appraisal  
10 30 manual or an alternate appraisal manual approved for use  
10 31 pursuant to section 421.17, subsection 17, the department shall  
10 32 notify the assessor and each member of the conference board for  
10 33 the appropriate assessing jurisdiction. The notice shall be  
10 34 mailed by restricted certified mail. The notice shall specify  
10 35 the areas of noncompliance and the steps necessary to achieve



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 18, 2010**

Senate Study Bill 3234 continued

11 1 compliance. The notice shall also inform the assessor and  
11 2 conference board that if compliance is not achieved, a penalty  
11 3 may be imposed.

11 4 (2) The conference board shall respond to the department  
11 5 within thirty days of receipt of the notice of noncompliance.  
11 6 The conference board may respond to the notice by asserting  
11 7 that the assessor is in compliance with the rules, guidelines,  
11 8 and forms of the department or by informing the department that  
11 9 the conference board intends to submit a plan of action to  
11 10 achieve compliance. If the conference board responds to the  
11 11 notification by asserting that the assessor is in compliance, a  
11 12 hearing before the director of revenue shall be scheduled on  
11 13 the matter.

11 14 (3) A plan of action shall be submitted within sixty days of  
11 15 receipt of the notice of noncompliance. The plan shall contain  
11 16 a time frame under which compliance shall be achieved which  
11 17 shall be no later than January 1 of the following assessment  
11 18 year. The plan of action shall contain the signature of the  
11 19 assessor and of the chairperson of the conference board. The  
11 20 department shall review the plan to determine whether the plan  
11 21 is sufficient to achieve compliance. Within thirty days of  
11 22 receipt of the plan, the department shall notify the assessor  
11 23 and the chairperson of the conference board that it has  
11 24 accepted the plan or that it is necessary to submit an amended  
11 25 plan of action.

11 26 (4) By January 1 of the assessment year following  
11 27 the calendar year in which the plan was submitted to the  
11 28 department, the conference board shall submit a report to the  
11 29 department indicating that the plan of action was followed and  
11 30 compliance has been achieved. The department may conduct a  
11 31 field inspection to ensure that the assessor is in compliance.  
11 32 By January 31, the department shall notify the assessor and the  
11 33 conference board, by restricted certified mail, either that  
11 34 compliance has been achieved or that the assessor remains in  
11 35 noncompliance. If the department determines that the assessor



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

12 1 remains in noncompliance, the department shall take steps  
12 2 to withhold up to five percent of the reimbursement payment  
12 3 authorized in section 425.1 until the director of revenue  
12 4 determines that the assessor is in compliance.  
12 5     (5) If the conference board disputes the determination of  
12 6 the department, the chairperson of the conference board may  
12 7 appeal the determination to the state board of tax review.  
12 8     (6) The department shall adopt rules relating to the  
12 9 administration of this paragraph "i".  
12 10     Sec. 17. Section 441.21, subsection 2, Code Supplement  
12 11 2009, is amended to read as follows:  
12 12     2. a. In the event market value of the property being  
12 13 assessed cannot be readily established in the foregoing manner,  
12 14 then the assessor may determine the value of the property using  
12 15 the other uniform and recognized appraisal methods including  
12 16 its productive and earning capacity, if any, industrial  
12 17 conditions, its cost, physical and functional depreciation  
12 18 and obsolescence and replacement cost, and all other factors  
12 19 which would assist in determining the fair and reasonable  
12 20 market value of the property but the actual value shall not be  
12 21 determined by use of only one such factor.  
12 22     b. The following shall not be taken into consideration:  
12 23 Special value or use value of the property to its present  
12 24 owner, and the goodwill or value of a business which uses the  
12 25 property as distinguished from the value of the property as  
12 26 property. However, in assessing property that is rented or  
12 27 leased to low-income individuals and families as authorized by  
12 28 section 42 of the Internal Revenue Code, as amended, and which  
12 29 section limits the amount that the individual or family pays  
12 30 for the rental or lease of units in the property, the assessor  
12 31 shall use the productive and earning capacity from the actual  
12 32 rents received as a method of appraisal and shall take into  
12 33 account the extent to which that use and limitation reduces the  
12 34 market value of the property.  
12 35     c. The assessor shall not consider any tax credit equity or



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

13 1 other subsidized financing as income provided to the property  
13 2 in determining the assessed value. The property owner shall  
13 3 notify the assessor when property is withdrawn from section  
13 4 42 eligibility under the Internal Revenue Code. The property  
13 5 shall not be subject to section 42 assessment procedures  
13 6 for the assessment year for which section 42 eligibility is  
13 7 withdrawn. This notification must be provided to the assessor  
13 8 no later than March 1 of the assessment year or the owner  
13 9 will be subject to a penalty of five hundred dollars for that  
13 10 assessment year. The penalty shall be collected at the same  
13 11 time and in the same manner as regular property taxes.

13 12 d. Upon adoption of uniform rules by the department of  
13 13 revenue or succeeding authority covering assessments and  
13 14 valuations of such properties, the valuation on such properties  
13 15 shall be determined in accordance with such rules and in  
13 16 accordance with either the forms and guidelines contained in  
13 17 the real property appraisal manual prepared by the department  
13 18 as updated from time to time for assessment purposes to  
13 19 assure uniformity, ~~but~~ or with an alternate appraisal manual  
13 20 approved for use pursuant to section 421.17, subsection  
13 21 17. However, such rules, forms, and guidelines shall not be  
13 22 inconsistent with or change the foregoing means of determining  
13 23 the actual, market, taxable and assessed values.

13 24

DIVISION III

13 25

FINANCIAL ACCOUNT MATCHING AND DEBT COLLECTION

13 26 Sec. 18. Section 421.17, Code 2009, is amended by adding the  
13 27 following new subsection:

13 28 NEW SUBSECTION. 27A. a. To establish a data match system.

13 29 b. The director may require financial institutions doing  
13 30 business in Iowa to enter into agreements to provide the  
13 31 information described in paragraph "c" regarding individuals  
13 32 with accounts at financial institutions who may be subject to  
13 33 a levy issued by the facility.

13 34 c. A financial institution, or its agent, shall provide on  
13 35 a quarterly basis the following information for each individual



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

Senate Study Bill 3234 continued

14 1 identified pursuant to paragraph "b":  
14 2     (1) Name.  
14 3     (2) Address.  
14 4     (3) Account numbers.  
14 5     (4) Social security or tax identification number, as  
14 6 applicable.  
14 7     d. An agreement shall provide that the information described  
14 8 in paragraph "c" be provided by doing one of the following:  
14 9     (1) Using a data match system to identify individuals  
14 10 by means of a social security or tax identification number  
14 11 provided by the facility.  
14 12     (2) Submitting reports containing the information described  
14 13 in paragraph "c" on individuals identified in paragraph "b" to  
14 14 the department. Information in such reports shall be used by  
14 15 the department solely for purposes of collecting obligor debts.  
14 16     e. If, based on the information provided in paragraph  
14 17 "d" pursuant to the agreement, the facility determines that  
14 18 an account belongs to an individual who is an obligor, the  
14 19 facility may initiate an administrative action under section  
14 20 421.17A to levy against the obligor's account.  
14 21     f. The facility shall reimburse a financial institution,  
14 22 or its agent, for the actual and reasonable costs incurred in  
14 23 providing the information described in paragraph "c". For  
14 24 purposes of this paragraph "f", "actual and reasonable costs"  
14 25 means either the cost of developing a data match system to  
14 26 provide information pursuant to paragraph "d", subparagraph  
14 27 (1), or the cost of providing reports pursuant to paragraph "d",  
14 28 subparagraph (2).  
14 29     g. Notwithstanding any other provision of law to the  
14 30 contrary, an agreement with a financial institution pursuant  
14 31 to this subsection shall specify a date by which the financial  
14 32 institution shall submit a claim for reimbursement pursuant to  
14 33 paragraph "f".  
14 34     h. This subsection shall not be construed to preclude a  
14 35 financial institution from doing either of the following:



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

Senate Study Bill 3234 continued

15 1 (1) Recouping a deposit made to an individual's account, if  
15 2 the financial institution is lawfully entitled to do so.

15 3 (2) Collecting standard or contractual account activity  
15 4 fees to the extent such fees are necessary to maintain the  
15 5 account during any period in which access to the account is  
15 6 blocked or encumbered.

15 7 i. The information provided by a financial institution,  
15 8 or its agent, under this subsection shall be confidential and  
15 9 shall be available only to the department and the facility for  
15 10 use in levy collection activities.

15 11 j. A financial institution, or its agent, providing the  
15 12 information described in this subsection shall not be held  
15 13 liable for either of the following:

15 14 (1) Blocking access to or surrendering an individual's  
15 15 assets in response to a levy action under this subsection.

15 16 (2) Any other action taken in good faith to comply with the  
15 17 requirements of this subsection.

15 18 k. This subsection shall not be construed to preclude  
15 19 the department from encumbering an obligor's account with a  
15 20 financial institution by another available means or provision  
15 21 of law.

15 22 l. The director shall adopt rules for the administration  
15 23 of this subsection. The rules shall specify an implementation  
15 24 plan for the data match system. The plan, to the extent  
15 25 practicable, shall reflect the practices and capabilities of  
15 26 similar systems utilized by private entities or government  
15 27 agencies.

15 28 m. As used in this subsection, unless the context otherwise  
15 29 requires:

15 30 (1) "Data match system" means an automated process for  
15 31 matching and comparing obligor information from the centralized  
15 32 debt collection data bank described in subsection 27 with  
15 33 account information from financial institutions.

15 34 (2) The terms "account", "bank", "credit union", "facility",  
15 35 "financial institution", "obligor", and "savings and loan



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

16 1 association" have the same meaning as defined in section  
16 2 421.17A, subsection 1.

16 3 DIVISION IV  
16 4 IDENTIFICATION OF WORKER MISCLASSIFICATION

16 5 Sec. 19. Section 421.17, Code 2009, is amended by adding the  
16 6 following new subsection:  
16 7 NEW SUBSECTION. 31. To assist the department of workforce  
16 8 development in identifying taxpayers who have failed to  
16 9 file a return or to pay the taxes, penalties, or interest  
16 10 required pursuant to any of the tax provisions administered  
16 11 by the department of workforce development. In assisting the  
16 12 department of workforce development, and notwithstanding any  
16 13 provisions to the contrary in sections 422.20 and 422.72, the  
16 14 director is authorized to provide the following information for  
16 15 purposes of identifying such taxpayers:  
16 16 a. Withholding tax and payroll information.  
16 17 b. The identity, including the date of birth and social  
16 18 security number, of any taxpayer who has previously been or is  
16 19 currently being audited or investigated by the department.  
16 20 c. The result or most recent status of the audit or  
16 21 investigation.

16 22 Sec. 20. Section 422.20, subsection 3, paragraph a, Code  
16 23 2009, is amended to read as follows:  
16 24 a. Unless otherwise expressly permitted by section 8A.504,  
16 25 section 96.11, subsection 6, section 421.17, subsections 22,  
16 26 23, ~~and~~ 26, and 31, sections 252B.9, 321.120, 421.19, 421.28,  
16 27 422.72, and 452A.63, and this section, a tax return, return  
16 28 information, or investigative or audit information shall not  
16 29 be divulged to any person or entity, other than the taxpayer,  
16 30 the department, or internal revenue service for use in a matter  
16 31 unrelated to tax administration.

16 32 Sec. 21. Section 422.72, subsection 3, paragraph a, Code  
16 33 2009, is amended to read as follows:  
16 34 a. Unless otherwise expressly permitted by section 8A.504,  
16 35 section 96.11, subsection 6, section 421.17, subsections 22,



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

17 1 23, ~~and~~ 26, and 31, sections 252B.9, 321.120, 421.19, 421.28,  
17 2 422.20, and 452A.63, and this section, a tax return, return  
17 3 information, or investigative or audit information shall not  
17 4 be divulged to any person or entity, other than the taxpayer,  
17 5 the department, or internal revenue service for use in a matter  
17 6 unrelated to tax administration.

17 7 Sec. 22. EFFECTIVE UPON ENACTMENT. This division of this  
17 8 Act, being deemed of immediate importance, takes effect upon  
17 9 enactment.

DIVISION V

FALSE CLAIMS FOR CREDIT

17 11 Sec. 23. Section 421.27, subsection 6, Code 2009, is amended  
17 12 to read as follows:

17 13  
17 14 6. Improper receipt of refund or credit. A person who makes  
17 15 an erroneous application for refund or credit shall be liable  
17 16 for any overpayment received or tax liability reduced plus  
17 17 interest at the rate in effect under section 421.7. In  
17 18 addition, a person who willfully makes a false or frivolous  
17 19 application for refund or credit with intent to evade tax  
17 20 or with intent to receive a refund or credit to which the  
17 21 person is not entitled is guilty of a fraudulent practice  
17 22 and is liable for a penalty equal to seventy-five percent of  
17 23 the refund or credit being claimed. ~~Repayments~~ Payments,  
17 24 penalties, and interest due under this subsection may be  
17 25 collected and enforced in the same manner as the tax imposed.

DIVISION VI

REFUND INTEREST ACCRUAL

17 27 Sec. 24. Section 421.60, subsection 2, paragraph e, Code  
17 28 2009, is amended to read as follows:

17 29  
17 30 e. Unless otherwise provided by law, all Iowa taxes which  
17 31 are administered by the department and which result in a refund  
17 32 shall accrue interest at the rate in effect under section 421.7  
17 33 from the first day of the ~~second~~ third calendar month following  
17 34 the date of payment or the date the return was due to be filed  
17 35 or was filed, whichever is the latest.



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

18 1 Sec. 25. Section 422.16, subsection 9, Code 2009, is amended  
18 2 to read as follows:

18 3 9. a. The amount of any overpayment of the individual  
18 4 income tax liability of the employee taxpayer, nonresident,  
18 5 or other person which may result from the withholding and  
18 6 payment of withheld tax by the employer or withholding agent  
18 7 to the department under subsections 1 and 12, as compared to  
18 8 the individual income tax liability of the employee taxpayer,  
18 9 nonresident, or other person properly and correctly determined  
18 10 under the provisions of section 422.4, to and including section  
18 11 422.25, may be credited against any income tax or installment  
18 12 thereof then due the state of Iowa and any balance of one  
18 13 dollar or more shall be refunded to the employee taxpayer,  
18 14 nonresident or other person with interest at the rate in  
18 15 effect under section 421.7 for each month or fraction of a  
18 16 month, the interest to begin to accrue on the first day of the  
18 17 ~~second~~ third calendar month following the date the return was  
18 18 due to be filed or was filed, whichever is the later date.

18 19 b. Amounts of less than one dollar shall be refunded to  
18 20 the taxpayer, nonresident, or other person only upon written  
18 21 application, in accordance with section 422.73, and only if  
18 22 the application is filed within twelve months after the due  
18 23 date of the return. Refunds in the amount of one dollar  
18 24 or more provided for by this subsection shall be paid by  
18 25 the treasurer of state by warrants drawn by the director of  
18 26 the department of administrative services, or an authorized  
18 27 employee of the department, and the taxpayer's return of  
18 28 income shall constitute a claim for refund for this purpose,  
18 29 except in respect to amounts of less than one dollar. There  
18 30 is appropriated, out of any funds in the state treasury not  
18 31 otherwise appropriated, a sum sufficient to carry out the  
18 32 provisions of this subsection.

18 33 Sec. 26. Section 422.25, subsection 3, Code 2009, is amended  
18 34 to read as follows:

18 35 3. If the amount of the tax as determined by the department



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

19 1 is less than the amount paid, the excess shall be refunded with  
19 2 interest, the interest to begin to accrue on the first day of  
19 3 the ~~second~~ third calendar month following the date of payment  
19 4 or the date the return was due to be filed, or the extended due  
19 5 date by which the return was due to be filed if ninety percent  
19 6 of the tax was paid by the original due date, or was filed,  
19 7 whichever is the latest, at the rate in effect under section  
19 8 421.7 counting each fraction of a month as an entire month  
19 9 under the rules prescribed by the director. If an overpayment  
19 10 of tax results from a net operating loss or net capital loss  
19 11 which is carried back to a prior year, the overpayment, for  
19 12 purposes of computing interest on refunds, shall be considered  
19 13 as having been made on the date a claim for refund or amended  
19 14 return carrying back the net operating loss or net capital  
19 15 loss is filed with the department or on the first day of the  
19 16 ~~second~~ third calendar month following the date of the actual  
19 17 payment of the tax, whichever is later. However, when the net  
19 18 operating loss or net capital loss carryback to a prior year  
19 19 eliminates or reduces an underpayment of tax due for an earlier  
19 20 year, the full amount of the underpayment of tax shall bear  
19 21 interest at the rate in effect under section 421.7 for each  
19 22 month counting each fraction of a month as an entire month from  
19 23 the due date of the tax for the earlier year to the last day of  
19 24 the taxable year in which the net operating loss or net capital  
19 25 loss occurred.

19 26 Sec. 27. Section 422.28, Code 2009, is amended to read as  
19 27 follows:

19 28 422.28 Revision of tax.

19 29 A taxpayer may appeal to the director for revision of  
19 30 the tax, interest, or penalties assessed at any time within  
19 31 sixty days from the date of the notice of the assessment of  
19 32 tax, additional tax, interest, or penalties. The director  
19 33 shall grant a hearing and if, upon the hearing, the director  
19 34 determines that the tax, interest, or penalties are excessive  
19 35 or incorrect, the director shall revise them according to



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

20 1 the law and the facts and adjust the computation of the tax,  
20 2 interest, or penalties accordingly. The director shall notify  
20 3 the taxpayer by mail of the result of the hearing and shall  
20 4 refund to the taxpayer the amount, if any, paid in excess  
20 5 of the tax, interest, or penalties found by the director to  
20 6 be due, with interest ~~after sixty days~~ accruing from the  
20 7 ~~date~~ first day of the third calendar month following the  
20 8 date of payment by the taxpayer at the rate in effect under  
20 9 section 421.7 for each month or a fraction of a month.

20 10 Sec. 28. Section 422.91, Code 2009, is amended to read as  
20 11 follows:

20 12 422.91 Credit for estimated tax == accrual of interest.

20 13 1. a. Any amount of estimated tax paid is a credit against  
20 14 the amount of tax due on a final, completed return, and any  
20 15 overpayment of five dollars or more shall be refunded to the  
20 16 taxpayer with interest, the interest to begin to accrue on the  
20 17 first day of the ~~second~~ third calendar month following the date  
20 18 of payment or the date the return was due to be filed or was  
20 19 filed, whichever is the latest, at the rate established under  
20 20 section 421.7, and the return constitutes a claim for refund  
20 21 for this purpose.

20 22 b. Amounts of less than five dollars shall be refunded to  
20 23 the taxpayer only upon written application in accordance with  
20 24 section 422.73, and only if the application is filed within  
20 25 twelve months after the due date for the return.

20 26 2. In lieu of claiming a refund, the taxpayer may elect  
20 27 to have the overpayment shown on its final, completed return  
20 28 for the taxable year credited to the tax liability for the  
20 29 following taxable year.

20 30 Sec. 29. Section 423.3, subsection 47A, paragraph c, Code  
20 31 Supplement 2009, is amended to read as follows:

20 32 c. For sales or rentals occurring on or after July 1, 2006,  
20 33 through June 30, 2012, a refund of the tax paid as provided in  
20 34 paragraph "b", subparagraph (1), (2), (3), (4), (5), or (6),  
20 35 must be applied for, not later than six months after the month



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

21 1 in which the sale or rental occurred, in the manner and on the  
21 2 forms provided by the department. Refunds shall only be of the  
21 3 state tax collected. Refunds authorized shall accrue interest  
21 4 at the rate in effect under section 421.7 from the first day of  
21 5 the ~~second~~ third calendar month following the date the refund  
21 6 claim is received by the department.

21 7 Sec. 30. Section 423.4, subsection 1, paragraph c, Code  
21 8 Supplement 2009, is amended to read as follows:

21 9 c. Refunds authorized under this subsection shall accrue  
21 10 interest at the rate in effect under section 421.7 from the  
21 11 first day of the ~~second~~ third calendar month following the date  
21 12 the refund claim is received by the department.

21 13 Sec. 31. Section 423.4, subsection 6, paragraph c, Code  
21 14 Supplement 2009, is amended to read as follows:

21 15 c. (1) The owner of the collaborative educational facility  
21 16 shall, not more than one year after the final settlement has  
21 17 been made, make application to the department for any refund of  
21 18 the amount of the sales or use tax which shall have been paid  
21 19 upon any goods, wares, or merchandise, or services furnished,  
21 20 the application to be made in the manner and upon forms  
21 21 ~~to be~~ provided by the department, and the department shall  
21 22 ~~forthwith~~ promptly audit the claim and, if approved, issue a  
21 23 warrant to the owner of the collaborative educational facility  
21 24 in the amount of the sales or use tax which has been paid to the  
21 25 state of Iowa under the contract.

21 26 (2) Refunds authorized under this subsection shall accrue  
21 27 interest at the rate in effect under section 421.7 from the  
21 28 first day of the ~~second~~ third calendar month following the date  
21 29 the refund claim is received by the department.

21 30 Sec. 32. Section 450.94, subsection 3, Code 2009, is amended  
21 31 to read as follows:

21 32 3. If the amount paid is greater than the correct tax,  
21 33 penalty, and interest due, the department shall refund the  
21 34 excess with interest. Interest shall be computed at the rate  
21 35 in effect under section 421.7, under the rules prescribed by



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

22 1 the director counting each fraction of a month as an entire  
22 2 month and the interest shall begin to accrue on the first  
22 3 day of the ~~second~~ third calendar month following the date  
22 4 of payment or on the date the return was due to be filed or  
22 5 was filed, whichever is the latest. However, the director  
22 6 shall not allow a claim for refund or credit that has not been  
22 7 filed with the department within three years after the tax  
22 8 payment upon which a refund or credit is claimed became due,  
22 9 or one year after the tax payment was made, whichever time is  
22 10 later. A determination by the department of the amount of  
22 11 tax, penalty, and interest due, or the amount of refund for  
22 12 excess tax paid, is final unless the person aggrieved by the  
22 13 determination appeals to the director for a revision of the  
22 14 determination within sixty days from the date of the notice  
22 15 of determination of tax, penalty, and interest due or refund  
22 16 owing or unless the taxpayer contests the determination by  
22 17 paying the tax, interest, and penalty and timely filing a claim  
22 18 for refund. The director shall grant a hearing, and upon the  
22 19 hearing the director shall determine the correct tax, penalty,  
22 20 and interest or refund due, and notify the appellant of the  
22 21 decision by mail. The decision of the director is final unless  
22 22 the appellant seeks judicial review of the director's decision  
22 23 under section 450.59 within sixty days after the date of the  
22 24 notice of the director's decision.

22 25 Sec. 33. Section 452A.65, Code 2009, is amended to read as  
22 26 follows:

22 27 452A.65 Failure to promptly pay fuel taxes == refunds ==  
22 28 interest and penalties == successor liability.

22 29 1. In addition to the tax or additional tax, the taxpayer  
22 30 shall pay a penalty as provided in section 421.27. The  
22 31 taxpayer shall also pay interest on the tax or additional  
22 32 tax at the rate in effect under section 421.7 counting each  
22 33 fraction of a month as an entire month, computed from the  
22 34 date the return was required to be filed. If the amount of  
22 35 the tax as determined by the appropriate state agency is



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

23 1 less than the amount paid, the excess shall be refunded with  
23 2 interest, the interest to begin to accrue on the first day of  
23 3 the ~~second~~ third calendar month following the date of payment  
23 4 or the date the return was due to be filed or was filed,  
23 5 whichever is the latest, at the rate in effect under section  
23 6 421.7 counting each fraction of a month as an entire month  
23 7 under the rules prescribed by the appropriate state agency.  
23 8 Claims for refund filed under sections 452A.17 and 452A.21  
23 9 shall accrue interest beginning with the first day of the  
23 10 ~~second~~ third calendar month following the date the refund claim  
23 11 is received by the department.  
23 12 2. A report required of licensees or persons operating under  
23 13 division III, upon which no tax is due, is subject to a penalty  
23 14 of ten dollars if the report is not timely filed with the state  
23 15 department of transportation.  
23 16 3. If a licensee or other person sells the licensee's  
23 17 or other person's business or stock of goods or quits the  
23 18 business, the licensee or other person shall prepare a final  
23 19 return and pay all tax due within the time required by law.  
23 20 The immediate successor to the licensee or other person, if  
23 21 any, shall withhold sufficient of the purchase price, in money  
23 22 or money's worth, to pay the amount of any delinquent tax,  
23 23 interest or penalty due and unpaid. If the immediate successor  
23 24 of the business or stock of goods intentionally fails to  
23 25 withhold any amount due from the purchase price as provided in  
23 26 this paragraph, the immediate successor is personally liable  
23 27 for the payment of the taxes, interest and penalty accrued  
23 28 and unpaid on account of the operation of the business by the  
23 29 immediate former licensee or other person, except when the  
23 30 purchase is made in good faith as provided in section 421.28.  
23 31 However, a person foreclosing on a valid security interest or  
23 32 retaking possession of premises under a valid lease is not  
23 33 an "immediate successor" for purposes of this paragraph. The  
23 34 department may waive the liability of the immediate successor  
23 35 under this paragraph if the immediate successor exercised good



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010

Senate Study Bill 3234 continued

24 1 faith in establishing the amount of the previous liability.  
24 2 Sec. 34. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This  
24 3 division of this Act, being deemed of immediate importance,  
24 4 takes effect upon enactment and applies to tax returns due on  
24 5 or after April 30, 2010.

24 6 EXPLANATION

24 7 This bill relates to the policy administration of the tax and  
24 8 related laws by the department of revenue.

24 9 Division I amends certain withholding tax credit programs  
24 10 related to jobs training and economic development. Currently,  
24 11 the industrial new jobs training program, the accelerated  
24 12 career education program, and the targeted jobs withholding  
24 13 program allow a certain percentage of the withholding taxes  
24 14 due by businesses to be remitted directly to either community  
24 15 colleges or pilot project cities, as applicable. Division  
24 16 I amends the programs to require that businesses pay their  
24 17 withholding taxes to the department of revenue and that  
24 18 community colleges and pilot project cities certify to the  
24 19 department the amount to be allocated to them under the  
24 20 programs. The department is required to verify those amounts  
24 21 before remitting the payments.

24 22 The amendments in division I of the bill, by operation  
24 23 of law, also apply to the supplemental new jobs credit from  
24 24 withholding in Code section 15A.7, the quality jobs enterprise  
24 25 zone program in Code section 15A.9, and the new jobs credit  
24 26 from withholding in Code section 15E.197 because all of these  
24 27 programs refer to one or more of the provisions amended in  
24 28 division I.

24 29 Division I applies to existing and future agreements,  
24 30 requiring amendments to existing agreements in conformance with  
24 31 the division.

24 32 Division II amends Code sections 421.17, 421.30, and  
24 33 441.21 to allow the director to approve an alternate property  
24 34 appraisal manual for use by city or county assessors. An  
24 35 alternate manual must be uniform and consistent with the state



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

Senate Study Bill 3234 continued

25 1 appraisal manual.

25 2 Division II also amends Code section 427B.4 to extend by  
25 3 two years the period for claiming the industrial real estate  
25 4 or cattle facilities property tax exemptions. Currently, a  
25 5 taxpayer cannot claim one of these exemptions unless it is  
25 6 claimed in the first year the property is eligible for the  
25 7 exemption.

25 8 Division III provides for the establishment of a data  
25 9 match system by the department. A data match system means  
25 10 an automated process for matching and comparing obligor  
25 11 information from the department's centralized debt collection  
25 12 data bank with certain account information from financial  
25 13 institutions. The director of revenue is authorized to require  
25 14 financial institutions to enter into agreements to provide such  
25 15 information for individuals who may owe debts to the state. If  
25 16 the data match system finds such an individual, the department  
25 17 is authorized to initiate an administrative action to levy  
25 18 against the individual's account at the financial institution.

25 19 Financial institutions are entitled to reimbursement for  
25 20 the actual and reasonable costs of complying with the data  
25 21 match system requirements. All information from the data match  
25 22 system is confidential and may be used only for purposes of  
25 23 collecting debt. The director of revenue is directed to adopt  
25 24 rules for the administration of the data match system and,  
25 25 in doing so, to make the system operate like similar systems  
25 26 already in use at other institutions and government agencies.

25 27 Division IV allows the department to share certain taxpayer  
25 28 information with the department of workforce development for  
25 29 purposes of assisting in the identification of misclassified  
25 30 workers. The division is effective upon enactment.

25 31 Division V relates to penalties for the filing of false or  
25 32 frivolous claims for tax credit. Code section 421.27 currently  
25 33 provides a penalty for the filing of false or frivolous refund  
25 34 claims. Division V extends this penalty to false or frivolous  
25 35 claims for credits as well.



**Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 18, 2010**

Senate Study Bill 3234 continued

26 1 Division VI relates to the accrual of interest on tax  
26 2 refunds. Currently, there are many references in the Code to  
26 3 the date on which interest begins to accrue on tax refunds.  
26 4 That date is typically the first day of the second calendar  
26 5 month following the date the return was due to be filed.  
26 6 Division VI amends all such Code sections to specify that  
26 7 interest begins to accrue on the first day of the third  
26 8 calendar month following the date the return was due to be  
26 9 filed. The division is effective upon enactment and applies to  
26 10 returns due on or after April 30, 2010.

LSB 6247XC (4) 83

tw/sc