



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 25, 2010

## House Amendment 8251

PAG LIN

1 1 Amend House File 2456, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 1, line 26, by striking <write or send> and  
1 4 inserting <write, send, or read>  
1 5 #2. Page 1, lines 28 and 29, by striking <writing or  
1 6 sending> and inserting <writing, sending, or reading>  
1 7 #3. Title page, lines 2 and 3, by striking <writing  
1 8 or sending> and inserting <writing, sending, or  
1 9 reading>  
1 10 #4. By renumbering as necessary.  
HF2456.1575 (1) 83



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**House Amendment 8252**

PAG LIN

1 1 Amend the amendment, H=8240, to Senate File 2288,  
 1 2 as amended, passed, and reprinted by the Senate, as  
 1 3 follows:  
 1 4 #1. Page 2, after line 18 by inserting:  
 1 5 <\_\_\_\_. Page 10, after line 13 by inserting:  
 1 6 <Sec. \_\_\_\_ Section 280.13, Code 2009, is amended to  
 1 7 read as follows:  
 1 8 280.13 Requirements for interscholastic athletic  
 1 9 contests and competitions.  
 1 10 1. A public school shall not participate in  
 1 11 or allow students representing a public school to  
 1 12 participate in any extracurricular interscholastic  
 1 13 athletic contest or competition which is sponsored  
 1 14 or administered by an organization as defined in  
 1 15 this section, unless the organization is registered  
 1 16 with the department of education, files financial  
 1 17 statements with the department in the form and at  
 1 18 the intervals prescribed by the director of the  
 1 19 department of education, and is in compliance with  
 1 20 rules which the state board of education adopts for  
 1 21 the proper administration, supervision, operation,  
 1 22 adoption of eligibility requirements, and scheduling of  
 1 23 extracurricular interscholastic athletic contests and  
 1 24 competitions and the organizations.  
 1 25 2. A public school shall not participate in  
 1 26 or allow students representing a public school to  
 1 27 participate in any extracurricular interscholastic  
 1 28 athletic contest or competition, that is sponsored or  
 1 29 administered in accordance with this section, prior to  
 1 30 the date on which the public school begins its regular  
 1 31 school calendar.  
 1 32 3. For the purposes of this section "organization"  
 1 33 means a corporation, association, or organization which  
 1 34 has as one of its primary purposes the sponsoring or  
 1 35 administration of extracurricular interscholastic  
 1 36 athletic contests or competitions, but does not  
 1 37 include an agency of this state, a public or private  
 1 38 school or school board, or an athletic conference or  
 1 39 other association whose interscholastic contests or  
 1 40 competitions do not include more than twenty-four  
 1 41 schools. >>  
 1 42 #2. By renumbering as necessary.

CHAMBERS of O'Brien  
 SF2288.1582 (1) 83  
 kh/sc



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## House Amendment 8253

PAG LIN

1 1 Amend House File 2491 as follows:  
1 2 #1. Page 1, line 34, after <department> by inserting  
1 3 <to install or maintain the types of fire protection  
1 4 systems endorsed on the license>  
1 5 #2. Page 2, after line 1 by inserting:  
1 6 <NEW SUBSECTION. 8A. "Preengineered fire protection  
1 7 system" means a fire protection system that has a  
1 8 predetermined flow rate, nozzle pressure, and quantity  
1 9 of extinguishing agent.>  
1 10 #3. Page 2, line 28, before <with> by inserting  
1 11 <with appropriate endorsements for that type of  
1 12 system,>  
1 13 #4. Page 3, by striking lines 23 through 25 and  
1 14 inserting <be licensed to work on special hazard fire  
1 15 protection systems but shall not be licensed to perform  
1 16 installation or maintenance on a preengineered fire  
1 17 protection system or on>  
1 18 #5. Page 4, after line 33 by inserting:  
1 19 <1A. The state fire marshal shall issue a fire  
1 20 protection system installer and maintenance worker  
1 21 license with endorsements restricted to preengineered  
1 22 fire protection systems to an applicant who does not  
1 23 meet the requirements of subsection 1 but does meet the  
1 24 following requirements:  
1 25 a. To be endorsed as a preengineered kitchen fire  
1 26 extinguishing system installer, has successfully  
1 27 completed training and an examination verified by  
1 28 a preengineered system manufacturer, an agent of a  
1 29 preengineered system manufacturer, or an organization  
1 30 that is approved by the state fire marshal.  
1 31 b. To be endorsed as a preengineered kitchen  
1 32 fire extinguishing system maintenance worker, has  
1 33 successfully completed training by the worker's  
1 34 employer or the system's manufacturer and has passed a  
1 35 written or online examination for preengineered kitchen  
1 36 fire extinguishing system maintenance that is approved  
1 37 by the state fire marshal.  
1 38 c. To be endorsed as a preengineered industrial  
1 39 fire extinguishing system installer, possesses  
1 40 a training and examination certification from a  
1 41 preengineered system manufacturer, an agent of a  
1 42 preengineered system manufacturer, or an organization  
1 43 that is approved by the state fire marshal.  
1 44 d. To be endorsed as a preengineered industrial  
1 45 fire extinguishing system maintenance worker, has  
1 46 been trained by the worker's employer, and has passed  
1 47 a written or online examination for preengineered  
1 48 industrial fire extinguishing system maintenance that  
1 49 is approved by the state fire marshal.>  
1 50 #6. Page 5, line 19, after <license> by



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House Amendment 8253 continued

- 2 1 inserting <with appropriate endorsements>
- 2 2 #7. By renumbering as necessary.

QUIRK of Chickasaw  
HF2491.1383 (4) 83  
jr/rj



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## House Amendment 8254

PAG LIN

1 1 Amend Senate File 117, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. By striking everything after the enacting clause  
1 4 and inserting:  
1 5 <Section 1. Section 321.234, subsection 2, Code  
1 6 2009, is amended to read as follows:  
1 7 2. A person, including a peace officer, riding a  
1 8 bicycle on the highway is subject to the provisions of  
1 9 this chapter and has all the rights and duties under  
1 10 this chapter applicable to the driver of a vehicle,  
1 11 including but not limited to the duty to obey traffic  
1 12 signs and signals, except those provisions of this  
1 13 chapter which by their nature can have no application  
1 14 or those provisions for which specific exceptions have  
1 15 been set forth regarding police bicycles.  
1 16 Sec. 2. NEW SECTION. 321.281 Actions against  
1 17 bicyclists.  
1 18 1. A person operating a motor vehicle shall not  
1 19 steer the motor vehicle unreasonably close to or toward  
1 20 a person riding a bicycle on a highway, including the  
1 21 roadway or the shoulder adjacent to the roadway.  
1 22 2. A person shall not knowingly project any object  
1 23 or substance at or against a person riding a bicycle  
1 24 on a highway.  
1 25 3. A person who violates this section commits a  
1 26 simple misdemeanor punishable as a scheduled violation  
1 27 under section 805.8A, subsection 14, paragraph "k".  
1 28 Sec. 3. Section 321.288, Code 2009, is amended by  
1 29 adding the following new subsection:  
1 30 NEW SUBSECTION. 7. When approaching and passing a  
1 31 bicycle on the highway.  
1 32 Sec. 4. Section 321.299, Code 2009, is amended to  
1 33 read as follows:  
1 34 321.299 Overtaking a vehicle.  
1 35 The following rules shall govern the overtaking and  
1 36 passing of vehicles proceeding in the same direction,  
1 37 subject to those limitations, exceptions, and special  
1 38 rules ~~hereinafter stated~~ otherwise provided in this  
1 39 chapter:  
1 40 1. The driver of a vehicle overtaking another  
1 41 vehicle or a bicycle proceeding in the same direction  
1 42 shall pass to the left ~~thereof~~ of the vehicle or  
1 43 bicycle at a safe distance and shall not again drive to  
1 44 the right side of the roadway until safely clear of the  
1 45 overtaken vehicle or bicycle.  
1 46 2. Except when overtaking and passing on the right  
1 47 is permitted, the driver of an overtaken vehicle  
1 48 shall give way to the right in favor of the overtaking  
1 49 vehicle and shall not increase the speed of the  
1 50 overtaken vehicle until completely passed by the



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House Amendment 8254 continued

2 1 overtaking vehicle.  
 2 2 3. When a vehicle is overtaking and passing a  
 2 3 bicycle, the driver of the overtaking vehicle shall  
 2 4 maintain a distance of not less than five feet between  
 2 5 the right side of the driver's vehicle, including  
 2 6 all mirrors or other projections, and the left side  
 2 7 of the bicyclist. This subsection does not apply to  
 2 8 implements of husbandry or to vehicles hauling or  
 2 9 towing implements of husbandry.

2 10 Sec. 5. Section 321.482A, unnumbered paragraph 1,  
 2 11 Code 2009, is amended to read as follows:

2 12 Notwithstanding section 321.482, a person who  
 2 13 is convicted of operating a motor vehicle in  
 2 14 violation of section 321.275, subsection 4, section  
 2 15 321.281, 321.297, 321.298, 321.299, 321.302, 321.303,  
 2 16 321.304, 321.305, 321.306, 321.307, 321.308, section  
 2 17 321.309, subsection 2, or section 321.311, 321.319,  
 2 18 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,  
 2 19 321.324A, 321.327, 321.329, or 321.333 causing serious  
 2 20 injury to or the death of another person may be subject  
 2 21 to the following penalties in addition to the penalty  
 2 22 provided for a scheduled violation in section 805.8A or  
 2 23 any other penalty provided by law:

2 24 Sec. 6. Section 805.8A, subsection 14, Code  
 2 25 Supplement 2009, is amended by adding the following new  
 2 26 paragraph:

2 27 NEW PARAGRAPH. k. Actions against a person on a  
 2 28 bicycle. For violations under section 321.281 the  
 2 29 scheduled fine is two hundred fifty dollars.>

2 30 #2. Title page, by striking lines 1 through  
 2 31 4 and inserting <An Act relating to duties and  
 2 32 responsibilities of motor vehicle operators and  
 2 33 bicyclists on a highway, and providing penalties.>

2 34 #3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES SMITH of Marshall, Chairperson  
 SF117.4734 (1) 83  
 dea/nh



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## House Amendment 8255

PAG LIN

1 1 Amend the amendment, H=8222, to House File 2448 as  
1 2 follows:  
1 3 #1. Page 4, line 31, by striking <692A.126> and  
1 4 inserting <692A.126.  
1 5 Sec. \_\_\_\_ Section 728.5, unnumbered paragraph 2,  
1 6 Code 2009, is amended to read as follows:  
1 7 ~~The~~ Except when a person allows or permits a minor  
1 8 to participate in any act included in subsections 1  
1 9 through 6, which is intended to arouse or satisfy the  
1 10 sexual desires or appeal to the prurient interests  
1 11 of patrons, the provisions of this section shall not  
1 12 apply to a theater, concert hall, art center, museum,  
1 13 or similar establishment which is primarily devoted to  
1 14 the arts or theatrical performances and in which any  
1 15 of the circumstances contained in this section were  
1 16 permitted or allowed as part of such art exhibits or  
1 17 performances>

RANTS of Woodbury  
HF2448.1630 (2) 83  
jm/rj



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House Amendment 8256

PAG LIN

1 1 Amend House File 2448 as follows:  
1 2 #1. Page 3, after line 33 by inserting:  
1 3 <Sec. \_\_\_\_ Section 728.5, unnumbered paragraph 2,  
1 4 Code 2009, is amended to read as follows:  
1 5 ~~The Except when a person allows or permits a minor~~  
1 6 to participate in any act included in subsections 1  
1 7 through 6, which is intended to arouse or satisfy the  
1 8 sexual desires or appeal to the prurient interests  
1 9 of patrons, the provisions of this section shall not  
1 10 apply to a theater, concert hall, art center, museum,  
1 11 or similar establishment which is primarily devoted to  
1 12 the arts or theatrical performances and in which any  
1 13 of the circumstances contained in this section were  
1 14 permitted or allowed as part of such art exhibits or  
1 15 performances.>  
1 16 #2. By renumbering as necessary.

RANTS of Woodbury  
HF2448.1625 (1) 83  
jm/rj



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**House Amendment 8257**

PAG LIN

1 1 Amend Senate File 2226, as passed by the Senate, as  
1 2 follows:  
1 3 #1. Page 3, line 14, after <child> by inserting <and  
1 4 assigning visitation to the specified family member  
1 5 will provide the child the opportunity to maintain an  
1 6 ongoing family relationship that is important to the  
1 7 child>  
1 8 #2. Page 3, line 20, after <parent> by inserting  
1 9 <whose visitation rights are temporarily assigned>

GAYMAN of Scott  
SF2226.1635 (2) 83  
pf/rj



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House Amendment 8258

PAG LIN

1 1 Amend House File 2436 as follows:  
1 2 #1. Page 1, before line 1 by inserting:  
1 3 <Section 1. Section 321.178, subsection 2,  
1 4 paragraph a, Code 2009, is amended to read as follows:  
1 5 a. (1) A person between sixteen and eighteen  
1 6 years of age who has completed an approved driver's  
1 7 education course and is not in attendance at school  
1 8 and has not met the requirements described in section  
1 9 299.2, subsection 1, may be issued a restricted license  
1 10 only for travel to and from work or to transport  
1 11 dependents to and from temporary care facilities,  
1 12 if necessary for the person to maintain the person's  
1 13 present employment. The restricted license shall be  
1 14 issued by the department only upon confirmation of the  
1 15 person's employment and need for a restricted license  
1 16 to travel to and from work or to transport dependents  
1 17 to and from temporary care facilities if necessary to  
1 18 maintain the person's employment. The employer shall  
1 19 notify the department if the employment of the person  
1 20 is terminated before the person attains the age of  
1 21 eighteen.  
1 22 (2) A person issued a restricted license under  
1 23 this section shall not use an electronic communication  
1 24 device or an electronic entertainment device, other  
1 25 than a radio installed in the motor vehicle, while  
1 26 driving a motor vehicle unless the motor vehicle is at  
1 27 a complete stop off the roadway.>  
1 28 #2. Page 3, after line 9 by inserting:  
1 29 <Sec. \_\_\_\_ . Section 321.180B, Code Supplement 2009,  
1 30 is amended by adding the following new subsection:  
1 31 NEW SUBSECTION. 6A. A person issued an instruction  
1 32 permit or intermediate driver's license under this  
1 33 section shall not use an electronic communication  
1 34 device or an electronic entertainment device, other  
1 35 than a radio installed in the motor vehicle, while  
1 36 driving a motor vehicle unless the motor vehicle is at  
1 37 a complete stop off the roadway.>  
1 38 #3. Page 3, line 11, by striking <paragraph:> and  
1 39 inserting <paragraphs:>  
1 40 #4. Page 3, line 12, by striking <Ob.> and inserting  
1 41 c.>  
1 42 #5. Page 3, after line 20 by inserting:  
1 43 <NEW PARAGRAPH. d. A person issued a driver's  
1 44 license under this section shall not use an electronic  
1 45 communication device or an electronic entertainment  
1 46 device, other than a radio installed in the motor  
1 47 vehicle, while driving a motor vehicle unless the motor  
1 48 vehicle is at a complete stop off the roadway.  
1 49 Sec. \_\_\_\_ . NEW SECTION. 321.238 Use of electronic  
1 50 devices while driving == preemption of local



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House Amendment 8258 continued

2 1 legislation.  
2 2 The provisions of sections 321.178, 321.180B, and  
2 3 321.194 restricting the use of electronic communication  
2 4 devices and electronic entertainment devices by certain  
2 5 motor vehicle operators shall be implemented uniformly  
2 6 throughout the state. Such provisions shall preempt  
2 7 any county or municipal ordinance regarding the use  
2 8 of an electronic communication device or electronic  
2 9 entertainment device by a motor vehicle operator. In  
2 10 addition, a county or municipality shall not adopt  
2 11 or continue in effect an ordinance regarding the use  
2 12 of an electronic communication device or electronic  
2 13 entertainment device by a motor vehicle operator.>  
2 14 #6. Title page, lines 1 and 2, by striking  
2 15 <licenses> and inserting <licenses, minor's restricted  
2 16 licenses,>  
2 17 #7. Title page, line 2, by striking <licenses,  
2 18 making a penalty> and inserting <licenses and to the  
2 19 use of certain electronic devices by motor vehicle  
2 20 operators, making penalties>  
2 21 #8. By renumbering as necessary.

RAECKER of Polk  
HF2436.1604 (2) 83  
dea/nh



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House Amendment 8259

PAG LIN

1 1 Amend Senate File 2288, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 23, before line 1 by inserting:  
1 4 <Sec. \_\_\_\_\_. Section 256.9, subsection 60, paragraph  
1 5 a, as enacted by 2010 Iowa Acts, Senate File 2033,  
1 6 section 1, is amended to read as follows:  
1 7 ~~a~~. Require a school district that has one or more  
1 8 attendance centers identified by the department as a  
1 9 persistently lowest-achieving school to implement one  
1 10 or more of the interventions mandated by the United  
1 11 States department of education for a persistently  
1 12 lowest-achieving school pursuant to the federal No  
1 13 Child Left Behind Act of 2001, Pub. L. No. 107-110  
1 14 { 1003(g), 20 U.S.C. { 6303(g), and any federal  
1 15 regulations adopted pursuant to the federal Act. The  
1 16 school district shall collaborate with the teachers and  
1 17 all other affected staff in determining which of the  
1 18 interventions the school district will implement.  
1 19 Sec. \_\_\_\_\_. Section 256.9, subsection 60, paragraph  
1 20 b, as enacted by 2010 Iowa Acts, Senate File 2033,  
1 21 section 1, is amended by striking the paragraph. >>  
1 22 #2. By renumbering as necessary.

TYMESON of Madison  
SF2288.1637 (3) 83  
kh/sc



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House Amendment 8260

PAG LIN

1 1 Amend the amendment, H=8169, to House File 2470 as  
1 2 follows:  
1 3 #1. Page 1, after line 28 by inserting:  
1 4 <\_\_\_. Page 2, before line 3 by inserting:  
1 5 Sec. \_\_\_. Section 49.104, subsection 2, Code 2009,  
1 6 is amended to read as follows:  
1 7 2. a. Any number of persons, not exceeding three  
1 8 at a time from each political party having candidates  
1 9 to be voted for at such election, to act as challenging  
1 10 committees, who are appointed and accredited by the  
1 11 executive or central committee of such political party  
1 12 or organization.  
1 13 b. The central committee of each political party  
1 14 shall provide appropriate training for persons  
1 15 appointed and accredited under this subsection or  
1 16 subsection 3. >>  
1 17 #2. By renumbering as necessary.

GASKILL of Wapello  
HF2470.1638 (2) 83  
sc/nh



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## House Amendment 8261

PAG LIN

1 1 Amend House File 2452 as follows:

1 2 #1. Page 1, by striking line 26 and inserting <for a  
1 3 case of ~~extreme~~ hardship or ~~compelling~~ circumstances>

1 4 #2. Page 3, by striking lines 26 through 28 and  
1 5 inserting <ninety days if a test was refused under  
1 6 section 321J.9>

1 7 #3. Page 5, by striking lines 5 through 8 and  
1 8 inserting <The temporary restricted license shall be  
1 9 issued in accordance with section 321J.20,>

1 10 #4. Page 6, by striking line 16 and inserting  
1 11 <license for ~~at least~~ one year after the effective date  
1 12 of the>

1 13 #5. Page 7, line 5, after <~~revocation.~~> by inserting  
1 14 <A temporary restricted license issued to a person  
1 15 whose driver's license or nonresident driving privilege  
1 16 has been revoked under subsection 1, paragraph "b",  
1 17 shall be issued in accordance with section 321J.20,  
1 18 subsection 2.>

1 19 #6. Page 8, by striking lines 13 and 14 and  
1 20 inserting <be eligible for any temporary restricted  
1 21 license for ~~one year~~ forty=five days after the  
1 22 effective date of the revocation, and the>

1 23 #7. Page 8, by striking lines 20 and 21 and  
1 24 inserting <The temporary restricted license shall be  
1 25 issued in accordance with section 321J.20, subsection  
1 26 2. A>

1 27 #8. By striking page 10, line 30, through page 11,  
1 28 line 33, and inserting:

1 29 <2. a. Notwithstanding section 321.560, the  
1 30 department may, on application, and upon the expiration  
1 31 of the minimum period of ineligibility for a temporary  
1 32 restricted license provided for under section  
1 33 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary  
1 34 restricted license to a person whose noncommercial  
1 35 driver's license has either been revoked under this  
1 36 chapter, or revoked or suspended under chapter 321  
1 37 solely for violations of this chapter, or who has been  
1 38 determined to be a habitual offender under chapter  
1 39 321 based solely on violations of this chapter or on  
1 40 violations listed in section 321.560, subsection 1,  
1 41 paragraph "b", and who is not eligible for a temporary  
1 42 restricted license under subsection 1. However, the  
1 43 department may not issue a temporary restricted license  
1 44 under this subsection for a violation of section  
1 45 321J.2A or to a person under the age of twenty=one  
1 46 whose license is revoked under section 321J.4, 321J.9,  
1 47 or 321J.12. A temporary restricted license issued  
1 48 under this subsection may allow the person to drive  
1 49 to and from the person's home and specified places at  
1 50 specified times which can be verified by the department>



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House Amendment 8261 continued

2 1 and which are required by the person's full-time or  
2 2 part-time employment, continuing education while  
2 3 enrolled in an educational institution on a part-time  
2 4 or full-time basis and while pursuing a course of study  
2 5 leading to a diploma, degree, or other certification of  
2 6 successful educational completion, or substance abuse  
2 7 treatment.  
2 8 b. Notwithstanding paragraph "a", a temporary  
2 9 restricted license issued to a person whose  
2 10 noncommercial driver's license has been revoked  
2 11 under section 321J.4, subsection 2, section 321J.9,  
2 12 subsection 1, paragraph "b", or section 321J.12,  
2 13 subsection 1, paragraph "b", shall provide for but not  
2 14 exceed the uses permitted by 23 U.S.C. { 164. This  
2 15 restriction applies only during the first three hundred  
2 16 sixty-five days of the person's revocation.  
2 17 c. A temporary restricted license issued under this  
2 18 subsection shall be conditioned upon the installation  
2 19 of an approved ignition interlock device on all motor  
2 20 vehicles owned or operated by the person. However, a  
2 21 person whose driver's license or nonresident operating  
2 22 privilege has been revoked under section 321J.21 may  
2 23 apply to the department for a temporary restricted  
2 24 license without the requirement of an ignition  
2 25 interlock device if at least twelve years have elapsed  
2 26 since the end of the underlying revocation period for a  
2 27 violation of section 321J.2.>

T. OLSON of Linn

KAUFMANN of Cedar

R. OLSON of Polk  
HF2452.1409 (1) 83  
rh/nh



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## House Amendment 8262

PAG LIN

1 1 Amend House File 2474 as follows:  
1 2 #1. Page 1, line 18, after <savings> by inserting  
1 3 <and responsible borrowing>  
1 4 #2. Page 1, line 20, after <program> by inserting  
1 5 <and responsible borrowing practices>  
1 6 #3. Page 1, line 24, after <goals> by inserting <and  
1 7 engaging in responsible borrowing practices>

HELLAND of Polk  
HF2474.1301 (1) 83  
rn/nh



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## House Amendment 8263

PAG LIN

1 1 Amend the amendment, H=8088, to House File 823 as  
1 2 follows:  
1 3 #1. Page 1, line 33, after <state,> by inserting  
1 4 <community colleges, institutions under the control of  
1 5 the state board of regents,>  
1 6 #2. Page 1, line 38, after <school> by inserting <,  
1 7 community college, regents institution,>  
1 8 #3. Page 1, line 40, by striking <district> and  
1 9 inserting <district, community college, institution  
1 10 under the control of the state board of regents,>  
1 11 #4. Page 1, by striking lines 45 and 46 and  
1 12 inserting <agencies, and all school districts,  
1 13 community colleges,>  
1 14 #5. Page 2, by striking line 2 and inserting  
1 15 <districts, community colleges, institutions under  
1 16 the control of the state board of regents, and state  
1 17 agencies procuring supplies>  
1 18 #6. Page 2, by striking line 15 and inserting:  
1 19 <c. A school district, community college, or  
1 20 institution under the>  
1 21 #7. Page 2, line 22, after <president> by inserting  
1 22 <of the community college or by the president>  
1 23 #8. Page 2, by striking lines 23 through 26 and  
1 24 inserting <institution. A school district, community  
1 25 college, or regents institution opting out of  
1 26 compliance pursuant to this paragraph shall notify the  
1 27 department of education, the state board for community  
1 28 colleges, or the state board of regents, respectively,  
1 29 of this decision.>  
1 30 #9. Page 2, by striking lines 38 through 40 and  
1 31 inserting:  
1 32 &lt;2. Title page, by striking lines 1 through 3 and  
1 33 inserting <An Act requiring public schools, community  
1 34 colleges, institutions under the control of the state  
1 35 board of regents, and state agencies to comply with an  
1 36 environmentally preferable>

D. OLSON of Boone  
HF823.1619 (3) 83  
rn/nh



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## House Amendment 8264

PAG LIN

1 1 Amend House File 2410 as follows:  
1 2 #1. Page 1, by striking lines 3 through 33 and  
1 3 inserting:  
1 4 <NEW SUBSECTION. 2A. A health plan operating in  
1 5 the state shall not discriminate against an individual  
1 6 with epilepsy who requires a specific brand name drug  
1 7 product, as denoted by an authorized prescriber's  
1 8 dispense as written prescription, by requiring the  
1 9 individual to pay a higher cost-sharing component of a  
1 10 particular claim for coverage.>

QUIRK of Chickasaw  
HF2410.1486 (2) 83  
pf/nh



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## House Amendment 8265

PAG LIN

1 1 Amend the amendment, H=8254, to Senate File 117,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, after line 15 by inserting:  
1 5 <Sec. \_\_\_\_\_. Section 321.234, Code 2009, is amended  
1 6 by adding the following new subsection:  
1 7 NEW SUBSECTION. 4A. Persons shall not operate  
1 8 bicycles more than two abreast on a highway, except  
1 9 when participating in an organized event authorized by  
1 10 the state or a political subdivision of the state on a  
1 11 road that is part of the route temporarily designated  
1 12 for the event by the state or political subdivision.>  
1 13 #2. Page 2, after line 23 by inserting:  
1 14 <Sec. \_\_\_\_\_. Section 805.8A, subsection 9, Code  
1 15 Supplement 2009, is amended to read as follows:  
1 16 9. Bicycle or pedestrian violations. For violations  
1 17 by a pedestrian or a bicyclist under section 321.234,  
1 18 subsections 3, ~~and~~ 4, and 4A, section 321.236,  
1 19 subsection 10, section 321.257, subsection 2, section  
1 20 321.275, subsection 8, section 321.325, 321.326,  
1 21 321.328, 321.331, 321.332, 321.397, or 321.434, the  
1 22 scheduled fine is fifteen dollars.>  
1 23 #3. By renumbering as necessary.

HEATON of Henry  
SF117.1613 (1) 83  
dea/nh



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House Amendment 8266

PAG LIN

1 1 Amend the amendment, H=8254, to Senate File 117,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, after line 15 by inserting:  
1 5 <Sec. \_\_\_\_\_. Section 321.234, Code 2009, is amended  
1 6 by adding the following new subsection:  
1 7 NEW SUBSECTION. 4A. A person shall not ride a  
1 8 bicycle on a highway unless there is a mirror attached  
1 9 to the bicycle, or attached to clothing or equipment  
1 10 worn by the rider, that is so located as to reflect to  
1 11 the rider a view of the highway for a distance of at  
1 12 least two hundred feet to the rear of the bicycle.>  
1 13 #2. Page 2, after line 23 by inserting:  
1 14 <Sec. \_\_\_\_\_. Section 805.8A, subsection 9, Code  
1 15 Supplement 2009, is amended to read as follows:  
1 16 9. Bicycle or pedestrian violations. For violations  
1 17 by a pedestrian or a bicyclist under section 321.234,  
1 18 subsections 3, ~~and~~ 4, and 4A, section 321.236,  
1 19 subsection 10, section 321.257, subsection 2, section  
1 20 321.275, subsection 8, section 321.325, 321.326,  
1 21 321.328, 321.331, 321.332, 321.397, or 321.434, the  
1 22 scheduled fine is fifteen dollars.>  
1 23 #3. By renumbering as necessary.

HEATON of Henry  
SF117.1612 (1) 83  
dea/nh



Iowa General Assembly  
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## House Amendment 8267

PAG LIN

1 1 Amend the amendment, H=8254, to Senate File 117,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 2, line 2, after <3.> by inserting <a.>  
1 5 #2. Page 2, after line 9 by inserting:  
1 6 <b. When a bicycle is being overtaken by a vehicle  
1 7 proceeding in the same direction, the operator of  
1 8 the bicycle shall give way to the right and shall  
1 9 ride within three feet of the curb or edge of the  
1 10 paved surface until the overtaking vehicle is safely  
1 11 clear of the bicycle. If two or more bicycles are  
1 12 being overtaken by a vehicle proceeding in the same  
1 13 direction, the bicycle operators shall adjust their  
1 14 positions so that the bicycles are traveling not more  
1 15 than two abreast, and the operators of the bicycles  
1 16 shall give way to the right so that the bicycle  
1 17 farthest to the left is within six feet of the curb or  
1 18 edge of the paved surface until the overtaking vehicle  
1 19 is safely clear of the bicycle.>  
1 20 #3. By renumbering as necessary.

HEATON of Henry  
SF117.1609 (2) 83  
dea/nh



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House Amendment 8268

PAG LIN

1 1 Amend the amendment, H=8254, to Senate File 117,  
1 2 as amended, passed, and reprinted by the Senate, as  
1 3 follows:  
1 4 #1. Page 1, after line 15 by inserting:  
1 5 <Sec. \_\_\_\_\_. Section 321.234, Code 2009, is amended  
1 6 by adding the following new subsection:  
1 7 NEW SUBSECTION. 4A. A person shall not wear  
1 8 earphones while riding a bicycle on the highway.>  
1 9 #2. Page 2, after line 23 by inserting:  
1 10 <Sec. \_\_\_\_\_. Section 805.8A, subsection 9, Code  
1 11 Supplement 2009, is amended to read as follows:  
1 12 9. Bicycle or pedestrian violations. For violations  
1 13 by a pedestrian or a bicyclist under section 321.234,  
1 14 subsections 3, ~~and 4~~, and 4A, section 321.236,  
1 15 subsection 10, section 321.257, subsection 2, section  
1 16 321.275, subsection 8, section 321.325, 321.326,  
1 17 321.328, 321.331, 321.332, 321.397, or 321.434, the  
1 18 scheduled fine is fifteen dollars.>  
1 19 #3. By renumbering as necessary.

SODERBERG of Plymouth  
SF117.1610 (1) 83  
dea/nh



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**House Amendment 8269**

PAG LIN

1 1 Amend House File 2410 as follows:  
1 2 #1. Page 1, by striking lines 1 through 33 and  
1 3 inserting:  
1 4 <Sec. \_\_\_\_ . MEDICAL ASSISTANCE PROGRAM == DRUG  
1 5 PRODUCT MANUFACTURERS OF ANTIEPILEPTIC DRUGS. A drug  
1 6 product manufacturer that distributes or sells brand  
1 7 name antiepileptic drug products in this state shall  
1 8 not be eligible to participate in the state medical  
1 9 assistance program unless the manufacturer offers for  
1 10 sale such brand name antiepileptic drug product at the  
1 11 same price as the most expensive generic bioequivalent  
1 12 antiepileptic drug.>  
1 13 #2. Title page, lines 1 and 2, by striking <drug  
1 14 product selection relative to>  
1 15 #3. By renumbering as necessary.

ZIRKELBACH of Jones  
HF2410.1639 (1) 83  
pf/nh



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House Amendment 8270

PAG LIN

1 1 Amend House File 2381 as follows:  
 1 2 #1. Page 1, by striking lines 8 and 9 and inserting  
 1 3 <control licensees. A class "E" license ~~shall~~  
 1 4 ~~not~~ may be issued to a premises at which gasoline is  
 1 5 sold only if the premises is located at least one  
 1 6 thousand feet from the real property boundary of a  
 1 7 public or nonpublic elementary or secondary school or  
 1 8 child care facility. A holder of a class "E">  
 1 9 #2. Page 1, after line 17 by inserting:  
 1 10 <Sec. \_\_\_\_ . Section 123.36, subsection 9, Code 2009,  
 1 11 is amended to read as follows:  
 1 12 9. a. Class "E" liquor control license, a sum  
 1 13 determined as follows:  
 1 14 (1) For premises at which gasoline is not sold, a  
 1 15 sum of not less than seven hundred and fifty dollars,  
 1 16 and not more than seven thousand five hundred dollars  
 1 17 as determined on a sliding scale as established by the  
 1 18 division taking into account the factors of square  
 1 19 footage of the licensed premises, the location of the  
 1 20 licensed premises, and the population of the area of  
 1 21 the location of the licensed premises.  
 1 22 (2) For premises at which gasoline is sold, a  
 1 23 sum equal to the greater of five thousand dollars  
 1 24 or the amount that would be established pursuant  
 1 25 to subparagraph (1) if gasoline was not sold at the  
 1 26 licensed premises.  
 1 27 b. Notwithstanding subsection 6, the holder of a  
 1 28 class "E" liquor control license may sell alcoholic  
 1 29 liquor for consumption off the licensed premises  
 1 30 on Sunday subject to section 123.49, subsection 2,  
 1 31 paragraph "b".>  
 1 32 #3. Title page, line 2, after <license> by inserting  
 1 33 <, establishing fees,>  
 1 34 #4. By renumbering as necessary.

BAILEY of Hamilton  
 HF2381.1659 (2) 83  
 ec/sc



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**House Amendment 8271**

PAG LIN

1 1 Amend House File 2474 as follows:  
1 2 #1. Page 1, line 12, by striking <created.> and  
1 3 inserting <created == contingent implementation.>  
1 4 #2. Page 1, before line 35 by inserting:  
1 5 <This section shall not be implemented until both  
1 6 the Iowa economic emergency fund created in section  
1 7 8.55, and the cash reserve fund created in section  
1 8 8.56, have reached their maximum balance.>

HELLAND of Polk  
HF2474.1665 (3) 83  
rn/rj



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## House Amendment 8272

PAG LIN

1 1 Amend House File 2474 as follows:  
1 2 #1. Page 2, line 5, after <basis.> by inserting  
1 3 <The report shall include an accounting of all funds  
1 4 received for the program and how they were expended or  
1 5 used. A copy of the report shall be submitted to the  
1 6 auditor of state.>

HELLAND of Polk  
HF2474.1663 (1) 83  
rn/nh



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House Amendment 8273

PAG LIN

1 1 Amend House File 2475 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. NEW SECTION. 216A.105 Deliverable  
1 5 fuels == mandatory delivery == penalties and remedies.  
1 6 1. A deliverable fuel vendor engaged in the  
1 7 business of providing deliverable fuel to customers in  
1 8 this state shall not withhold the sale or delivery of  
1 9 deliverable fuel to a customer from November 1 through  
1 10 April 1 annually if either of the following apply:  
1 11 a. The customer makes a prepaid cash payment in  
1 12 an amount corresponding to the vendor's stated cash  
1 13 price of that day for two hundred fifty gallons of  
1 14 deliverable fuel.  
1 15 b. The customer is certified as eligible for the  
1 16 federal low-income home energy assistance program.  
1 17 2. A deliverable fuel vendor is not prohibited  
1 18 from withholding the sale or delivery of deliverable  
1 19 fuel to a customer who is certified as eligible  
1 20 for the federal low-income home energy assistance  
1 21 program and has received the maximum amount of annual  
1 22 assistance pursuant to the program, or who cannot make  
1 23 a prepaid cash payment for deliverable fuel pursuant to  
1 24 subsection 1, paragraph "a".  
1 25 3. A deliverable fuel vendor providing deliverable  
1 26 fuel to a customer described in subsection 1, paragraph  
1 27 "a", may apply up to twenty-five percent of the  
1 28 cash payment toward any unpaid balance owed to the  
1 29 deliverable fuel vendor. In the event that a payment  
1 30 arrangement is entered into between a deliverable  
1 31 fuel vendor and a customer described in subsection 1,  
1 32 paragraph "a", and the customer misses three payments  
1 33 pursuant to the arrangement within a one-year period or  
1 34 within the time period during which the arrangement is  
1 35 in effect, the vendor may require payment of all past  
1 36 due payments in full before making a delivery pursuant  
1 37 to this section. In the event that an unpaid balance  
1 38 is owed by a customer who is certified as eligible for  
1 39 the federal low-income home energy assistance program,  
1 40 the division shall offer assistance in facilitating a  
1 41 payment arrangement.  
1 42 4. a. A customer shall be responsible for the  
1 43 reasonable cost of system safety checks conducted  
1 44 by a deliverable fuel vendor, unless the customer  
1 45 is certified as eligible for the federal low-income  
1 46 home energy assistance program and the cost is paid  
1 47 for with program funds. System safety check payments  
1 48 shall be in addition to, and shall not reduce, the  
1 49 cash payment otherwise available for deliverable fuel  
1 50 sale or delivery pursuant to subsection 1, paragraph



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House Amendment 8273 continued

2 1 "a". A deliverable fuel vendor of propane conducting a  
2 2 system safety check shall inform customers certified  
2 3 as eligible for the low-income home energy assistance  
2 4 program of the existence of programs and projects  
2 5 developed by the Iowa propane education and research  
2 6 council to provide assistance to persons certified as  
2 7 eligible for the program, if applicable based upon the  
2 8 results of the safety check. A deliverable fuel vendor  
2 9 shall not be required to make or complete a delivery  
2 10 of deliverable fuel if a system safety check reveals  
2 11 mechanical problems or defects with the system which  
2 12 constitute a safety hazard or concern.  
2 13 b. A customer shall be responsible for the  
2 14 reasonable cost of delivering the deliverable fuel to  
2 15 the customer, as determined by the deliverable fuel  
2 16 vendor, unless the customer is certified as eligible  
2 17 for the federal low-income home energy assistance  
2 18 program and the cost is paid for with program funds.  
2 19 Delivery fees or charges shall be in addition to, and  
2 20 shall not reduce, the cash payment otherwise available  
2 21 for the deliverable fuel sale or delivery pursuant to  
2 22 subsection 1, paragraph "a".  
2 23 5. A violation of this section is an unlawful  
2 24 practice pursuant to section 714.16 and a prohibited  
2 25 practice pursuant to chapter 714H.  
2 26 6. For the purposes of this section, unless the  
2 27 context otherwise requires:  
2 28 a. "Customer" means an existing customer of a  
2 29 deliverable fuel vendor or a prospective customer  
2 30 who submits an application or otherwise applies for  
2 31 the purchase or delivery of deliverable fuel from a  
2 32 deliverable fuel vendor serving the general geographic  
2 33 area or vicinity where the fuel will be delivered.  
2 34 b. "Deliverable fuel" means propane or any other  
2 35 heating fuel sold or delivered in this state for home  
2 36 heating purposes.  
2 37 c. "Deliverable fuel vendor" means a retail propane  
2 38 marketer or a retail dispenser or marketer of a  
2 39 deliverable fuel other than propane for home heating  
2 40 purposes.  
2 41 d. "Propane" and "retail propane marketer" mean the  
2 42 same as defined in section 101C.2.>  
2 43 #2. Title page line 2, after <circumstances,> by  
2 44 inserting <providing penalties,>

REICHERT of Muscatine  
HF2475.1491 (1) 83  
rn/nh



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House Amendment 8274

PAG LIN

1 1 Amend House File 2399 as follows:  
1 2 #1. Page 1, before line 1 by inserting:  
1 3 <Sec. \_\_\_\_ Section 476.6, Code Supplement 2009, is  
1 4 amended by adding the following new subsection:  
1 5 NEW SUBSECTION. 22. a. It is the intent of the  
1 6 general assembly to require certain rate-regulated  
1 7 public utilities to undertake analyses of and  
1 8 preparations for the possible construction of nuclear  
1 9 generating facilities in this state that would be  
1 10 beneficial in a carbon-constrained environment.  
1 11 b. A rate-regulated electric utility that was  
1 12 subject to a revenue sharing settlement agreement with  
1 13 regard to its electric base rates as of January 1,  
1 14 2010, shall recover, through a rider and pursuant to a  
1 15 tariff filing made on or after the effective date of  
1 16 this Act and through December 31, 2013, the reasonable  
1 17 and prudent costs of its analyses of and preparations  
1 18 for the possible construction of facilities of the type  
1 19 referenced in paragraph "a". Cost recovery shall be  
1 20 accomplished by instituting a revenue increase applied  
1 21 in the same percentage amount to each customer class  
1 22 and not designed to recover, on an annual basis, more  
1 23 than five-tenths percent of the electric utility's  
1 24 calendar year 2009 revenues attributable to billed base  
1 25 rates in this state. At the conclusion of the cost  
1 26 recovery period, the board shall conduct a contested  
1 27 case proceeding pursuant to chapter 17A to evaluate the  
1 28 reasonableness and prudence of the cost recovery. The  
1 29 utility shall file such information with the board as  
1 30 the board deems appropriate, including the filing of an  
1 31 annual report identifying and explaining expenditures  
1 32 identified in the rider as items for cost recovery,  
1 33 and any other information required by the board. If  
1 34 the board determines that the utility has imprudently  
1 35 incurred costs, or has incurred costs that are less  
1 36 than the amount recovered, the board shall order  
1 37 the utility to modify the rider to adjust the amount  
1 38 recoverable.  
1 39 c. Costs that may be recovered through the rider  
1 40 described in paragraph "b" shall be consistent with  
1 41 the United States nuclear regulatory guide, section  
1 42 4.7, general site suitability criteria for nuclear  
1 43 power stations, revision two, April 1998, including  
1 44 costs related to the study and use of sites for nuclear  
1 45 generation.>  
1 46 #2. Page 1, line 8, after <state.> by inserting  
1 47 <It is also the intent of the general assembly  
1 48 to encourage rate-regulated public utilities to  
1 49 consider altering existing electric generating  
1 50 facilities, where reasonable, to manage carbon emission



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House Amendment 8274 continued

2 1 intensity in order to facilitate the transition to a  
2 2 carbon-constrained environment.>  
2 3 #3. By striking page 1, line 25, through page 2,  
2 4 line 2, and inserting:  
2 5 <4- 3. a. The board shall specify in advance, by  
2 6 order issued after a contested case proceeding, the  
2 7 ratemaking principles that will apply when the costs  
2 8 of the electric power generating facility, the costs  
2 9 of significant alteration of the generating facility  
2 10 as defined in section 476A.2, subsection 2, and any  
2 11 related emissions control or storage facilities, or  
2 12 the costs of the alternate energy production facility,  
2 13 cogeneration pilot project facility, or energy sales  
2 14 agreement are included in regulated electric rates  
2 15 whenever a rate-regulated public utility does any of  
2 16 the following:  
2 17 (1) Files an application pursuant to section 476A.3  
2 18 to construct in Iowa a baseload electric generating  
2 19 facility, or to significantly alter an existing  
2 20 generating facility, with a nameplate generating  
2 21 capacity equal to or greater than three hundred  
2 22 megawatts or a combined-cycle electric power generating  
2 23 facility, or an alternative energy production facility  
2 24 as defined in section 476.42. For purposes of this  
2 25 subparagraph, a significant alteration of an existing  
2 26 generating facility must, in order to qualify for  
2 27 establishment of ratemaking principles, fall into one  
2 28 of the following categories:  
2 29 (a) Conversion of a coal fueled facility into a gas  
2 30 fueled facility.  
2 31 (b) Addition of carbon capture and storage  
2 32 facilities at a coal fueled facility.  
2 33 (c) Addition of gas fueled capability to a coal  
2 34 fueled facility, in order to convert the facility  
2 35 to one that will rely primarily on gas for future  
2 36 generation.  
2 37 (d) Addition of a biomass fueled capability to a  
2 38 coal fueled facility.  
2 39 With respect to a significant alteration of an  
2 40 existing generating facility, an original facility  
2 41 shall not be required to be either a baseload or  
2 42 a combined-cycle facility. Only the incremental  
2 43 investment undertaken by a utility under subparagraph  
2 44 divisions (a), (b), (c), or (d) shall be eligible to  
2 45 apply the ratemaking principles established by the  
2 46 order issued pursuant to paragraph "e". Facilities  
2 47 for which advanced ratemaking principles are obtained  
2 48 pursuant to this section shall not be subject to a  
2 49 subsequent board review pursuant to section 476.6,  
2 50 subsection 21 to the extent that the investment has



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House Amendment 8274 continued

3 1 been considered by the board under this section. To  
 3 2 the extent an eligible utility has been authorized to  
 3 3 make capital investments subject to section 476.6,  
 3 4 subsection 21, such investments shall not be eligible  
 3 5 for ratemaking principles pursuant to this section.>  
 3 6 #4. Page 4, after line 33 by inserting:  
 3 7 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This Act,  
 3 8 being deemed of immediate importance, takes effect upon  
 3 9 enactment.>  
 3 10 #5. Title page, by striking lines 1 through 2 and  
 3 11 inserting <An Act requiring certain rate-regulated  
 3 12 public utilities to undertake analyses of and  
 3 13 preparation for the possible construction of low carbon  
 3 14 emitting nuclear generating facilities in this state,  
 3 15 and including effective date provisions.>

REICHERT of Muscatine

D. OLSON of Boone

QUIRK of Chickasaw

SODERBERG of Plymouth

WAGNER of Linn  
 HF2399.1418 (4) 83  
 rn/sc



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## House Amendment 8275

PAG LIN

1 1 Amend Senate File 2235, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 2, by striking lines 28 and 29 and  
1 4 inserting <pursuant to section 714.16.>

REICHERT of Muscatine  
SF2235.1656 (1) 83  
rn/nh



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House Resolution 117 - Introduced

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY BAUDLER

1 1 A Concurrent Resolution relating to the placement of a  
1 2 statue in the United States Capitol honoring Henry  
1 3 A. Wallace.

1 4 WHEREAS, each state may provide two statues of  
1 5 notable citizens for display in the United States  
1 6 Capitol; and

1 7 WHEREAS, Henry A. Wallace is a native son of Iowa  
1 8 and an innovator and statesman of national stature; and

1 9 WHEREAS, as Secretary of Agriculture, Secretary of  
1 10 Commerce, and Vice President of the United States, and  
1 11 as a candidate for the Presidency, Henry A. Wallace,  
1 12 through his agricultural innovations and leadership,  
1 13 spread American agricultural technology to millions  
1 14 around the world; NOW THEREFORE,

1 15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
1 16 THE SENATE CONCURRING, That the Iowa General Assembly  
1 17 supports action to replace the statue of James Harlan  
1 18 with a statue honoring Henry A. Wallace.

LSB 6252HH (2) 83

jr/rj



Iowa General Assembly  
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**House Study Bill 729**

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON SHOMSHOR)

**A BILL FOR**

1 An Act exempting from the state sales and use taxes the sale of  
2 paint and other consumed materials to an auto body shop.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 6188YC (4) 83  
tw/sc



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House Study Bill 729 continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2009, is amended  
1 2 by adding the following new subsection:  
1 3 NEW SUBSECTION. 96. The sales price from the sale of paint  
1 4 and other consumed materials to an auto body shop where the  
1 5 paint and other consumed materials are directly and primarily  
1 6 used by the auto body shop to complete vehicle repair services.

1 7 EXPLANATION  
1 8 This bill exempts from the sales and use taxes the sales  
1 9 price from the sale of paint and other consumed materials to an  
1 10 auto body shop where the paint and other consumed materials are  
1 11 directly and primarily used by the auto body shop to complete  
1 12 vehicle repair services.

LSB 6188YC (4) 83

tw/sc



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House Study Bill 730

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON SHOMSHOR)

**A BILL FOR**

1 An Act relating to the administration of the sales and use  
2 taxes under the streamlined sales tax agreement and  
3 including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 6159YC (7) 83  
tw/sc



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House Study Bill 730 continued

PAG LIN

1 1 Section 1. Section 321.105A, subsection 2, paragraph a,  
1 2 unnumbered paragraph 1, Code Supplement 2009, is amended to  
1 3 read as follows:  
1 4 For purposes of this subsection, "purchase price" applies to  
1 5 the measure subject to the fee for new registration. "Purchase  
1 6 price" shall be determined in the same manner as "sales price"  
1 7 is determined for purposes of computing the tax imposed upon  
1 8 the sales price of tangible personal property under chapter  
1 9 423, pursuant to the definition of sales price in section  
1 10 423.1, ~~subsection 47~~, subject to the following exemptions:  
1 11 Sec. 2. Section 423.1, Code 2009, is amended by adding the  
1 12 following new subsection:  
1 13 NEW SUBSECTION. 0A. "Affiliate" means any entity to which  
1 14 any of the following applies:  
1 15 a. Directly, indirectly, or constructively controls another  
1 16 entity.  
1 17 b. Is directly, indirectly, or constructively controlled by  
1 18 another entity.  
1 19 c. Is subject to the control of a common entity. A common  
1 20 entity is one which owns directly or individually more than ten  
1 21 percent of the voting securities of the entity.  
1 22 Sec. 3. Section 423.1, subsections 27, 28, and 29, Code  
1 23 2009, are amended to read as follows:  
1 24 27. "Model 1 seller" is a seller registered under the  
1 25 agreement that has selected a certified service provider as its  
1 26 agent to perform all the seller's sales and use tax functions,  
1 27 other than the seller's obligation to remit tax on its own  
1 28 purchases.  
1 29 28. "Model 2 seller" is a seller registered under the  
1 30 agreement that has selected a certified automated system to  
1 31 perform part of its sales and use tax functions, but retains  
1 32 responsibility for remitting the tax.  
1 33 29. "Model 3 seller" is a seller registered under the  
1 34 agreement that has sales in at least five member states,  
1 35 has total annual sales revenue of at least five hundred



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House Study Bill 730 continued

2 1 million dollars, has a proprietary system that calculates the  
2 2 amount of tax due each jurisdiction, and has entered into a  
2 3 performance agreement with the member states that establishes  
2 4 a tax performance standard for the seller. As used in this  
2 5 definition, a "seller" includes an affiliated group of sellers  
2 6 using the same proprietary system.

2 7 Sec. 4. Section 423.1, Code 2009, is amended by adding the  
2 8 following new subsection:

2 9 NEW SUBSECTION. 29A. "Model 4 seller" is a seller  
2 10 registered under the agreement that is not a model 1, model 2,  
2 11 or model 3 seller.

2 12 Sec. 5. Section 423.1, subsection 47, paragraph a,  
2 13 subparagraph (6), Code 2009, is amended by striking the  
2 14 subparagraph.

2 15 Sec. 6. Section 423.1, subsection 47, paragraph c, Code  
2 16 2009, is amended to read as follows:

2 17 c. The sales price does not include and the sales tax shall  
2 18 not apply to amounts received for charges included in paragraph  
2 19 "a", subparagraphs (3) through ~~(7)~~ (6), if they are separately  
2 20 contracted for, separately stated on the invoice, billing,  
2 21 or similar document given to the purchaser, and the amounts  
2 22 represent charges which are not the sales price of a taxable  
2 23 sale or of the furnishing of a taxable service.

2 24 Sec. 7. Section 423.1, Code 2009, is amended by adding the  
2 25 following new subsections:

2 26 NEW SUBSECTION. 52A. "State agency" means an authority,  
2 27 board, commission, department, instrumentality, or other  
2 28 administrative office or unit of this state, or any other state  
2 29 entity reported in the Iowa comprehensive annual financial  
2 30 report, including public institutions of higher education.

2 31 NEW SUBSECTION. 62. "Voting security" means a security to  
2 32 which any of the following applies:

2 33 a. Confers upon the holder the right to vote for the  
2 34 election of members of the board of directors or similar  
2 35 governing body of the entity.



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3 1 b. Is convertible into, or entitles the holder to receive  
3 2 upon its exercise, a security that confers such a right to  
3 3 vote.

3 4 c. Is a general partnership interest.

3 5 Sec. 8. Section 423.2, subsection 1, paragraph a, Code 2009,  
3 6 is amended to read as follows:

3 7 a. For the purposes of this subchapter, sales of the  
3 8 following services are treated as if they were sales of  
3 9 tangible personal property:

3 10 (1) Sales of engraving, photography, retouching, printing,  
3 11 and binding services.

3 12 (2) Sales of vulcanizing, recapping, and retreading  
3 13 services.

3 14 (3) Sales of prepaid telephone calling cards and  
~~3 15 prepaid services that use an authorization numbers code.~~

3 16 (4) Sales of optional service or warranty contracts, except  
3 17 residential service contracts regulated under chapter 523C,  
3 18 which provide for the furnishing of labor and materials and  
3 19 require the furnishing of any taxable service enumerated under  
3 20 this section. The sales price is subject to tax even if some of  
3 21 the services furnished are not enumerated under this section.  
3 22 Additional sales, services, or use taxes shall not be levied  
3 23 on services, parts, or labor provided under optional service  
3 24 or warranty contracts which are subject to tax under this  
3 25 subsection.

~~3 26 If the optional service or warranty contract is a computer  
3 27 software maintenance or support service contract and there is  
3 28 no separately stated fee for the taxable personal property  
3 29 or for the nontaxable service, the tax imposed by this  
3 30 subsection shall be imposed on fifty percent of the sales price  
3 31 from the sale of such contract. If the contract provides for  
3 32 technical support services only, no tax shall be imposed under  
3 33 this subsection. The provisions of this subparagraph (4) also  
3 34 apply to the use tax.~~

3 35 (5) Sales of optional service or warranty contracts for



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4 1 computer software maintenance or support services.  
4 2 (a) If a service or warranty contract does not specify a fee  
4 3 amount for nontaxable services or taxable personal property,  
4 4 the tax imposed pursuant to this section shall be imposed upon  
4 5 an amount equal to one-half of the sales price of the contract.  
4 6 (b) If a service or warranty contract provides only for  
4 7 technical support services, no tax shall be imposed pursuant to  
4 8 this section.  
4 9 (6) Subparagraphs (4) and (5) shall also apply to the use  
4 10 tax imposed under section 423.5.  
4 11 Sec. 9. Section 423.2, subsection 10, Code 2009, is amended  
4 12 to read as follows:  
4 13 10. a. Any person or that person's affiliate, which is  
4 14 a retailer in this state or a retailer maintaining a place  
4 15 of business in this state under this chapter, that enters into  
4 16 a contract with an agency of this state must register, collect,  
4 17 and remit Iowa sales tax under this chapter on all sales of  
4 18 tangible personal property and enumerated services.  
4 19 b. Every bid submitted and each contract executed by a  
4 20 state agency shall contain a certification by the bidder or  
4 21 contractor stating that the bidder or contractor is registered  
4 22 with the department and will collect and remit Iowa sales tax  
4 23 due under this chapter. In the certification, the bidder or  
4 24 contractor shall also acknowledge that the state agency may  
4 25 declare the contract or bid void if the certification is false.  
4 26 Fraudulent certification, by act or omission, may result in  
4 27 the state agency or its representative filing for damages for  
4 28 breach of contract.  
4 29 ~~For the purposes of this subsection, the following~~  
~~4 30 definitions apply:~~  
4 31 a. ~~"Affiliate" means any entity to which any of the~~  
~~4 32 following applies:~~  
4 33 (1) ~~Directly, indirectly, or constructively controls~~  
~~4 34 another entity.~~  
4 35 (2) ~~Is directly, indirectly, or constructively controlled~~



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~~5 1 by another entity.~~  
5 2     ~~(3) Is subject to the control of a common entity. A common~~  
~~5 3 entity is one which owns directly or individually more than ten~~  
~~5 4 percent of the voting securities of the entity.~~  
5 5     ~~b. "State agency" means an authority, board, commission,~~  
~~5 6 department, instrumentality, or other administrative office or~~  
~~5 7 unit of this state, or any other state entity reported in the~~  
~~5 8 Iowa comprehensive annual financial report, including public~~  
~~5 9 institutions of higher education.~~  
5 10     ~~e. "Voting security" means a security to which any of the~~  
~~5 11 following applies:~~  
5 12     ~~(1) Confers upon the holder the right to vote for the~~  
~~5 13 election of members of the board of directors or similar~~  
~~5 14 governing body of the entity.~~  
5 15     ~~(2) Is convertible into, or entitles the holder to receive~~  
~~5 16 upon its exercise, a security that confers such a right to~~  
~~5 17 vote.~~  
5 18     ~~(3) Is a general partnership interest.~~  
5 19     Sec. 10. Section 423.5, subsection 8, Code 2009, is amended  
5 20 to read as follows:  
5 21     8. Any person or that person's affiliate, which is a  
5 22 retailer in this state or a retailer maintaining a place  
5 23 of business in this state under this chapter, that enters  
5 24 into a contract with an agency of this state must register,  
5 25 collect, and remit Iowa use tax under this chapter on all sales  
5 26 of tangible personal property and enumerated services. Every  
5 27 bid submitted and each contract executed by a state agency  
5 28 shall contain a certification by the bidder or contractor  
5 29 stating that the bidder or contractor is registered with the  
5 30 department and will collect and remit Iowa use tax due under  
5 31 this chapter. In the certification, the bidder or contractor  
5 32 shall also acknowledge that the state agency may declare the  
5 33 contract or bid void if the certification is false. Fraudulent  
5 34 certification, by act or omission, may result in the state  
5 35 agency or its representative filing for damages for breach of



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6 1 contract.

6 2 ~~For the purposes of this subsection, "affiliate", "state~~  
~~6 3 agency", and "voting security" mean the same as defined in~~  
~~6 4 section 423.2, subsection 10.~~

6 5 Sec. 11. Section 423.46, Code 2009, is amended to read as  
6 6 follows:

6 7 423.46 Rate and base changes == liability for failure to  
6 8 collect.

6 9 1. The department shall make a reasonable effort to provide  
6 10 sellers with as much advance notice as practicable of a rate  
6 11 change and to notify sellers of legislative changes in the tax  
6 12 base and amendments to sales and use tax rules. Failure of a  
~~6 13 seller to receive notice or failure of this state to provide~~  
~~6 14 notice or limit the effective date of a rate change shall not~~  
~~6 15 relieve the seller of its obligation to collect sales or use~~  
~~6 16 taxes for this state Except as provided in subsection 2, a~~  
6 17 seller shall not be relieved of the obligation to collect sales  
6 18 or use taxes for this state by either a failure to receive such  
6 19 notice or by a failure of the state to provide notice.

6 20 2. A seller will be relieved of liability for failing to  
6 21 collect sales or use taxes for this state at the new rate under  
6 22 all of the following conditions and to the following extent:

6 23 a. The department fails to provide for at least thirty  
6 24 days between the enactment of the statute providing for a rate  
6 25 change and the effective date of such rate change.

6 26 b. The seller continues to collect sales or use taxes at the  
6 27 rate in effect immediately prior to the rate change.

6 28 c. The erroneous collection described in paragraph "b" does  
6 29 not continue for more than thirty days after the effective date  
6 30 of the rate change.

6 31 3. The relief from the obligation to collect sales or use  
6 32 taxes described in subsection 2 shall not apply if a seller  
6 33 knowingly or fraudulently fails to collect tax at the new rate  
6 34 or if a seller has solicited purchasers on the basis of the  
6 35 rate in effect immediately prior to the rate change.



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7 1 Sec. 12. Section 423.48, subsection 2, Code 2009, is amended  
7 2 by adding the following new paragraph:

7 3 NEW PARAGRAPH. h. Upon the registration of a seller,  
7 4 the department shall provide to the seller information  
7 5 regarding the options available for the filing of returns and  
7 6 remittances. Such information shall include information on  
7 7 the requirements of filing simplified electronic returns and  
7 8 remittances.

7 9 Sec. 13. Section 423.48, subsection 3, Code 2009, is amended  
7 10 by adding the following new paragraph:

7 11 NEW PARAGRAPH. d. A model 2, model 3, or model 4 seller  
7 12 making no sales sourced in the state in the preceding twelve  
7 13 months may elect to be registered in the state as a seller that  
7 14 anticipates making no sales sourced in the state. Making such  
7 15 an election shall not relieve the seller of the obligation to  
7 16 collect and remit sales or use taxes on sales sourced in the  
7 17 state.

7 18 Sec. 14. Section 423.48, Code 2009, is amended by adding the  
7 19 following new subsection:

7 20 NEW SUBSECTION. 4. The provisions of this section shall not  
7 21 be construed to relieve a seller of the obligation to register  
7 22 in the state if required to do so, and to collect and remit  
7 23 sales or use taxes for at least thirty-six months and to meet  
7 24 any other requirements necessary for amnesty in Iowa under the  
7 25 terms of an agreement as provided in section 423.54.

7 26 Sec. 15. Section 423.49, Code 2009, is amended by striking  
7 27 the section and inserting in lieu thereof the following:

7 28 423.49 Return requirements == electronic filing.

7 29 1. Except as provided in subsection 7, all sellers  
7 30 registered under the agreement shall file a single return per  
7 31 month for the state and all taxing jurisdictions within this  
7 32 state.

7 33 2. The director shall by rule determine the date on which  
7 34 returns shall be filed. The date shall not be earlier than the  
7 35 twentieth day of the following month.



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8 1       3. The department shall provide to all registered and  
8 2 unregistered sellers, except sellers of products qualifying for  
8 3 exclusion from the provisions of section 308 of the agreement,  
8 4 a simplified return that can be filed electronically.  
8 5       a. The simplified return shall be provided in a form  
8 6 approved by the governing board and shall not contain a field  
8 7 unless that field has been approved by the governing board.  
8 8       b. The simplified return shall contain two parts. The  
8 9 first part shall contain information relating to remittances  
8 10 and allocations. The second part shall contain information  
8 11 relating to exempt sales.  
8 12       c. The department shall notify the governing board if  
8 13 the submission of the second part of the return is no longer  
8 14 necessary.  
8 15       d. The department shall not require a model 4 seller to  
8 16 submit the second part of the simplified return but may provide  
8 17 for another means of collecting the information contained in  
8 18 the second part of the return as described in subsection 4,  
8 19 paragraph "e".  
8 20       4. a. A certified service provider shall file a simplified  
8 21 return electronically on behalf of a model 1 seller and shall  
8 22 file audit reports for the seller as provided for in article V  
8 23 of the rules and procedures of the agreement.  
8 24       b. A certified service provider shall file the first part of  
8 25 the simplified return, as described in subsection 3, once per  
8 26 month, as required pursuant to subsection 1.  
8 27       c. A model 1 seller may file both the first and second parts  
8 28 of the simplified return. Model 1 sellers filing both parts  
8 29 shall also file audit reports as described in paragraph "a".  
8 30       d. A model 4 seller may elect to file a simplified return.  
8 31 Model 4 sellers electing to do so shall file the first part of  
8 32 the return each month.  
8 33       e. A model 4 seller required to register in the state may  
8 34 submit the information collected in the second part of the  
8 35 return in one of the following ways:



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9 1 (1) By filing monthly both the first and second parts  
9 2 electronically on a simplified return as described in  
9 3 subsection 3.

9 4 (2) By filing the second part together with the required  
9 5 December filing of the first part. A seller filing the second  
9 6 part of a return pursuant to this subparagraph shall include  
9 7 information for all months of that calendar year and shall  
9 8 report the information in an annual rather than a monthly  
9 9 fashion.

9 10 (3) The department shall notify the governing board prior to  
9 11 requiring the submission of the second part of the simplified  
9 12 return pursuant to this paragraph "e".

9 13 5. The department shall adopt rules for the filing of  
9 14 returns by a model 4 seller electing not to file a simplified  
9 15 return pursuant to this section.

9 16 6. A seller which has previously elected to file a  
9 17 simplified return shall provide at least three months' notice  
9 18 of an intent to discontinue the filing of such returns.

9 19 7. a. A seller making the election under section 423.48,  
9 20 subsection 3, paragraph "d", is exempt from the requirements of  
9 21 this section and shall not be required to file a return.

9 22 b. The exemption allowed under paragraph "a" is only  
9 23 applicable as long as a seller makes no taxable sales in this  
9 24 state. If a seller makes a taxable sale in this state, the  
9 25 seller shall file a return the month after such a sale is made.

9 26 8. A seller may file a return for more than one legal entity  
9 27 at the same time only if such entities are affiliated.

9 28 9. The department shall adopt a standardized process for the  
9 29 transmission and receipt of returns and related information.  
9 30 The adoption of a procedure pursuant to this subsection is  
9 31 subject to the approval of the governing board.

9 32 10. a. The department shall notify a seller registered  
9 33 under the agreement that has no obligation to register in  
9 34 this state of a failure to file a return required under this  
9 35 section and allow the seller at least thirty days after such





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11 1 clarifies certain language relating to service and warranty  
11 2 contracts.

11 3       The bill requires the department of revenue to make  
11 4 reasonable efforts to notify sellers after sales tax rate  
11 5 changes and provides a safe harbor under certain circumstances  
11 6 to sellers who do not receive such notice.

11 7       The bill clarifies that the changes made in the bill do not  
11 8 affect a seller's obligation to register in the state or to  
11 9 meet certain requirements for amnesty under the agreement.

11 10       The bill allows certain sellers to register in the state as  
11 11 sellers who do not anticipate making any sales here.

11 12       The bill provides for the electronic filing of simplified  
11 13 returns and remittances, in accordance with the terms of the  
11 14 agreement.

11 15       The bill eliminates the requirement in Code section 423.49  
11 16 that a remote seller file a return in the following month if it  
11 17 accumulates more than \$1,000 of state and local sales taxes in  
11 18 the preceding month.

11 19       The bill directs the department to adopt a standardized  
11 20 process for the remittance of sales tax payments.

11 21       The bill takes effect upon enactment.

LSB 6159YC (7) 83

tw/sc



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## Senate Amendment 5146

PAG LIN

1 1 Amend Senate File 2334 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. STROKE TRIAGE SYSTEM AND REGISTRY ==  
1 5 PLAN. The department of public health, in cooperation  
1 6 with the Iowa healthcare collaborative as defined in  
1 7 section 135.40, and the American heart association,  
1 8 shall develop a plan to implement a stroke triage  
1 9 system and registry. In developing the plan,  
1 10 consideration shall be given to inclusion in the stroke  
1 11 triage system of facilities outside the state that are  
1 12 the closest and most appropriate to provide stroke care  
1 13 to Iowans residing along the state's borders. The plan  
1 14 shall be submitted to the general assembly no later  
1 15 than January 15, 2011.>

AMANDA RAGAN  
SF2334.1592 (2) 83  
pf/nh



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**Senate Amendment 5147**

PAG LIN

1 1 Amend Senate File 2199, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 7, by striking lines 18 and 19 and  
1 4 inserting <opinion by an attorney licensed to practice  
1 5 law in this state who has examined the abstract of  
1 6 title of the land upon which the manufactured or  
1 7 mobile home is situated. The opinion shall state the  
1 8 names of the owners and holders of mortgages, liens,  
1 9 or other encumbrances on the land upon which the  
1 10 manufactured or mobile home is situated and shall note  
1 11 the encumbrances, along with any bonds securing the  
1 12 encumbrances. Utility easements shall not be construed  
1 13 to be encumbrances for the purpose of this section.>  
SF2199.1579.H (2) 83



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## Senate Amendment 5148

PAG LIN

1 1 Amend Senate File 2302 as follows:  
1 2 #1. Page 1, line 11, after <appear.> by inserting  
1 3 <The notice to the child's known grandparents shall  
1 4 inform the grandparents of the opportunity to be heard  
1 5 in hearings and reviews pursuant to section 232.91,  
1 6 that the grandparents may petition the court for  
1 7 appointment as the child's guardian or custodian or for  
1 8 visitation with the child, and that the grandparents  
1 9 do not have a right to counsel in connection with the  
1 10 hearings and reviews unless appointed as guardian or  
1 11 custodian as provided for in section 232.89.>

KEITH A. KREIMAN  
SF2302.1561 (1) 83  
jp/nh



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## Senate Amendment 5149

PAG LIN

1 1 Amend Senate File 2324 as follows:

1 2 #1. Page 1, line 15, after <provided.> by inserting  
1 3 <All notices required by this subsection shall be sent  
1 4 by certified mail.>

1 5 #2. Page 2, line 17, after <area.> by inserting  
1 6 <An applicant or its subsidiary which has been issued  
1 7 a certificate of public convenience and necessity to  
1 8 provide telephone service pursuant to section 476.29  
1 9 shall be exempt from the provisions of this paragraph.>

1 10 #3. Page 2, by striking lines 32 through 35 and  
1 11 inserting:

1 12 <3.a. The board shall not issue a certificate  
1 13 of franchise authority to an applicant unless the  
1 14 board finds that all of the requirements specified in  
1 15 subsection 1, paragraphs "f" through "h" have been met.

1 16 b. The board may take up to an additional sixty  
1 17 days, beyond the thirty-day period for issuance of  
1 18 a certificate of franchise authority specified in  
1 19 subsection 1, if the board determines that additional  
1 20 information will be required to make a determination  
1 21 regarding whether the requirements specified in  
1 22 subsection 1, paragraphs "f" through "h" have been met,  
1 23 and that the determination cannot be made within the  
1 24 thirty-day period.

1 25 c. The board may assess an applicant not otherwise  
1 26 paying a fee or assessment to the board for the costs  
1 27 incurred by the board during a review of an application  
1 28 and affidavit under the circumstances described in  
1 29 paragraph "b", and any additional costs incurred  
1 30 resulting from a contested case proceeding requested  
1 31 pursuant to chapter 17A.>

1 32 #4. By striking page 3, line 23, through page 4,  
1 33 line 13, and inserting:

1 34 <6. a. If the holder of a certificate of franchise  
1 35 authority fails to commence operation of a cable system  
1 36 or video service network within twelve months from  
1 37 the date the application is granted, the board may  
1 38 determine that the applicant is not in compliance with  
1 39 the certificate of franchise authority and may revoke  
1 40 the certificate.

1 41 b. If a certificate is revoked pursuant to this  
1 42 subsection, and if the franchise agreement previously  
1 43 in effect between an incumbent cable provider and  
1 44 the municipality would have remained in effect for  
1 45 at least a sixty-day period prior to expiration, the  
1 46 previous franchise agreement shall be reinstated for  
1 47 the duration of the previous agreement. The incumbent  
1 48 cable provider shall comply with the terms of the prior  
1 49 franchise agreement within ninety days of notification  
1 50 by the board. This paragraph is applicable to an



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2 1 incumbent cable provider who has not been issued a  
2 2 certificate of franchise authority pursuant to section  
2 3 477A.2, subsection 6, as of the effective date of this  
2 4 Act.  
2 5 7. a. In the event that an applicant granted  
2 6 a certificate of franchise authority subsequently  
2 7 ceases to engage in construction or operation of  
2 8 a cable system or video service network and is no  
2 9 longer providing service, the applicant shall notify  
2 10 the municipality, the board, and the incumbent cable  
2 11 provider on the date that construction or service is  
2 12 terminated.  
2 13 b. If the franchise agreement previously in  
2 14 effect between an incumbent cable provider and the  
2 15 municipality would have remained in effect for at  
2 16 least a sixty-day period prior to expiration, the  
2 17 previous franchise agreement shall be reinstated for  
2 18 the duration of the previous agreement. The incumbent  
2 19 cable provider shall comply with the terms of the prior  
2 20 franchise agreement within ninety days of notification  
2 21 by the applicant. This paragraph is applicable to an  
2 22 incumbent cable provider who has not been issued a  
2 23 certificate of franchise authority pursuant to section  
2 24 477A.2, subsection 6, as of the effective date of this  
2 25 Act.>

STEVE WARNSTADT  
SF2324.1571 (1) 83  
rn/nh



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Senate Amendment 5150

PAG LIN

1 1 Amend Senate File 2306 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. Section 600C.1, Code 2009, is amended  
1 5 by striking the section and inserting in lieu thereof  
1 6 the following:  
1 7 600C.1 Grandparent and great-grandparent visitation.  
1 8 1. The grandparent or great-grandparent of a  
1 9 minor child may petition the court for grandchild or  
1 10 great-grandchild visitation when the parent of the  
1 11 minor child, who is the child of the grandparent or the  
1 12 grandchild of the great-grandparent, is deceased.  
1 13 2. The court shall consider a fit parent's  
1 14 objections to granting visitation under this section.  
1 15 A rebuttable presumption arises that a fit parent's  
1 16 decision to deny visitation to a grandparent or  
1 17 great-grandparent is in the best interest of a minor  
1 18 child.  
1 19 3. The court may grant visitation to the  
1 20 grandparent or great-grandparent under this section  
1 21 if the court finds all of the following by clear and  
1 22 convincing evidence:  
1 23 a. It is in the best interest of the child to grant  
1 24 such visitation.  
1 25 b. The grandparent or great-grandparent has  
1 26 established a substantial relationship with the child  
1 27 prior to the filing of the petition.  
1 28 c. That the presumption that the parent who is  
1 29 being asked to temporarily relinquish care, custody,  
1 30 and control of the child to provide visitation is fit  
1 31 to make the decision regarding visitation is overcome  
1 32 by demonstrating one of the following:  
1 33 (1) The parent is unfit to make such decision.  
1 34 (2) The parent's judgment has been impaired and the  
1 35 relative benefit to the child of granting visitation  
1 36 greatly outweighs any effect on the parent-child  
1 37 relationship. Impaired judgment of a parent may be  
1 38 evidenced by any of the following:  
1 39 (a) Neglect of the child.  
1 40 (b) Abuse of the child.  
1 41 (c) Violence toward the child.  
1 42 (d) Indifference or absence of feeling toward the  
1 43 child.  
1 44 (e) Demonstrated unwillingness and inability to  
1 45 promote the emotional and physical well-being of the  
1 46 child.  
1 47 (f) Drug abuse.  
1 48 (g) A diagnosis of mental illness.  
1 49 4. In determining the best interest of the child,  
1 50 the court shall consider all of the following:



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- 2 1 a. The prior interaction and interrelationships of  
2 2 the child with the child's parents, siblings, and other  
2 3 persons related by consanguinity or affinity, compared  
2 4 to the child's relationship with the grandparent or  
2 5 great-grandparent.  
2 6 b. The geographical location of the grandparent's  
2 7 or great-grandparent's residence and the distance  
2 8 between the grandparent's or great-grandparent's  
2 9 residence and the child's residence.  
2 10 c. The child's and parents' available time,  
2 11 including but not limited to each parent's employment  
2 12 schedule, the child's school schedule, the amount of  
2 13 time that will be available for the child to spend with  
2 14 siblings, and the child's and the parents' holiday and  
2 15 vacation schedules.  
2 16 d. The age of the child.  
2 17 e. If the court has interviewed the child in  
2 18 chambers as provided in this subsection regarding  
2 19 the wishes and concerns of the child as to visitation  
2 20 by the grandparent or great-grandparent or as to a  
2 21 specific visitation schedule, the wishes and concerns  
2 22 of the child, as expressed to the court.  
2 23 f. The health and safety of the child.  
2 24 g. The mental and physical health of all parties.  
2 25 h. Whether the grandparent or great-grandparent  
2 26 previously has been convicted of or pleaded guilty to  
2 27 any criminal offense involving any act that resulted  
2 28 in a child being an abused child or a neglected child;  
2 29 whether the grandparent or great-grandparent previously  
2 30 has been convicted of or pleaded guilty to a crime  
2 31 involving a victim who at the time of the commission  
2 32 of the offense was a member of the family or household  
2 33 that is the subject of the current proceeding; and  
2 34 whether there is reason to believe that the grandparent  
2 35 or great-grandparent has acted in a manner resulting in  
2 36 a child having ever been found to be an abused child  
2 37 or a neglected child.  
2 38 i. The wishes and concerns of the child's parents,  
2 39 as expressed by them to the court.  
2 40 j. Any other factor in the best interest of the  
2 41 child.  
2 42 5. For the purposes of this subsection "substantial  
2 43 relationship" includes but is not limited to any of the  
2 44 following:  
2 45 a. The child has lived with the grandparent or  
2 46 great-grandparent for at least six months.  
2 47 b. The grandparent or great-grandparent has  
2 48 voluntarily and in good faith supported the child  
2 49 financially in whole or in part for a period of not  
2 50 less than six months.



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3 1 c. The grandparent or great-grandparent has had  
3 2 frequent visitation including occasional overnight  
3 3 visitation with the child for a period of not less than  
3 4 one year.

3 5 6. If the court interviews any child concerning  
3 6 the child's wishes and concerns regarding parenting  
3 7 time or visitation, the interview shall be conducted  
3 8 in chambers, and only the child, the child's attorney,  
3 9 the judge, any necessary court personnel, and, in the  
3 10 judge's discretion, the attorney of each parent shall  
3 11 be permitted to be present in the chambers during the  
3 12 interview. A person shall not obtain or attempt to  
3 13 obtain from a child a written or recorded statement or  
3 14 affidavit setting forth the wishes and concerns of the  
3 15 child regarding parenting time or visitation.

3 16 7. For the purposes of this section, "court" means  
3 17 the district court or the juvenile court if that court  
3 18 currently has jurisdiction over the child in a pending  
3 19 action. If an action is not pending, the district  
3 20 court has jurisdiction.

3 21 8. Notwithstanding any provision of this chapter  
3 22 to the contrary, venue for any action to establish,  
3 23 enforce, or modify visitation under this section shall  
3 24 be in the county where either parent resides if no  
3 25 final custody order determination relating to the  
3 26 grandchild or great-grandchild has been entered by any  
3 27 other court. If a final custody order has been entered  
3 28 by any other court, venue shall be located exclusively  
3 29 in the county where the most recent final custody order  
3 30 was entered. If any other custodial proceeding is  
3 31 pending when an action to establish, enforce, or modify  
3 32 visitation under this section is filed, venue shall be  
3 33 located exclusively in the county where the pending  
3 34 custodial proceeding was filed.

3 35 9. Notice of any proceeding to establish, enforce,  
3 36 or modify visitation under this section shall be  
3 37 personally served upon all parents of a child whose  
3 38 interests are affected by a proceeding brought  
3 39 pursuant to this section and all grandparents or  
3 40 great-grandparents who have previously obtained a final  
3 41 order or commenced a proceeding under this section.

3 42 10. The court shall not enter any temporary order  
3 43 to establish, enforce, or modify visitation under this  
3 44 section.

3 45 11. An action brought under this section is subject  
3 46 to chapter 598B, and in an action brought to establish,  
3 47 enforce, or modify visitation under this section,  
3 48 each party shall submit in its first pleading or in an  
3 49 attached affidavit all information required by section  
3 50 598B.209.



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Senate Amendment 5150 continued

4 1 12. If a proceeding to establish or enforce  
4 2 visitation under this section is commenced when  
4 3 a dissolution of marriage proceeding is pending  
4 4 concerning the parents of the affected minor child,  
4 5 the record and evidence of the dissolution action  
4 6 shall remain impounded pursuant to section 598.26.  
4 7 The impounded information shall not be released or  
4 8 otherwise made available to any person who is not the  
4 9 petitioner or respondent or an attorney of record in  
4 10 the dissolution of marriage proceeding. Access to the  
4 11 impounded information by the attorney of record for the  
4 12 grandparent or great-grandparent shall be limited to  
4 13 only that information relevant to the grandparent's or  
4 14 great-grandparent's request for visitation.  
4 15 13. A grandparent or great-grandparent shall not  
4 16 petition for visitation under this section more than  
4 17 once every two years absent a showing of good cause.  
4 18 14. The court shall not issue an order restricting  
4 19 the movement of the child if such restriction is  
4 20 solely for the purpose of allowing the grandparent  
4 21 or great-grandparent the opportunity to exercise the  
4 22 grandparent's or great-grandparent's visitation under  
4 23 this section.>

KEITH A. KREIMAN  
SF2306.1577 (3) 83  
pf/nh



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## Senate Amendment 5151

PAG LIN

1 1 Amend Senate File 2252 as follows:  
1 2 #1. By striking page 1, line 5, through page 3, line  
1 3 2.  
1 4 #2. By striking page 5, line 27, through page 6,  
1 5 line 15.  
1 6 #3. By renumbering as necessary.

KEITH A. KREIMAN  
SF2252.1614 (2) 83  
jm/nh



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Senate Amendment 5152

PAG LIN

1 1 Amend Senate File 2356 as follows:  
1 2 #1. By striking page 11, line 15, through page 21,  
1 3 line 26, and inserting:  
1 4 <Sec. \_\_\_\_\_. NEW SECTION. 505.32 Iowa insurance  
1 5 information exchange.  
1 6 1. Purposes. The purposes of this section include  
1 7 but are not limited to providing an information  
1 8 clearinghouse where all Iowans can obtain information  
1 9 about health care coverage that is available in the  
1 10 state including comparisons of benefits, premiums, and  
1 11 out-of-pocket costs and where the uninsured can receive  
1 12 assistance regarding health care coverage.  
1 13 2. Definitions. As used in this section, unless  
1 14 the context otherwise requires:  
1 15 a. "Board" means the advisory board of the Iowa  
1 16 insurance information exchange.  
1 17 b. "Carrier" means an insurer providing accident  
1 18 and sickness insurance under chapter 509, 514, or  
1 19 514A and includes a health maintenance organization  
1 20 established under chapter 514B if payments received  
1 21 by the health maintenance organization are considered  
1 22 premiums pursuant to section 514B.31 and are taxed  
1 23 under chapter 432. "Carrier" also includes a  
1 24 corporation which becomes a mutual insurer pursuant  
1 25 to section 514.23 and any other person as defined in  
1 26 section 4.1, who is or may become liable for the tax  
1 27 imposed by chapter 432.  
1 28 c. "Commissioner" means the commissioner of  
1 29 insurance.  
1 30 d. "Creditable coverage" means the same as defined  
1 31 in section 513B.2.  
1 32 e. "Exchange" means the Iowa insurance information  
1 33 exchange.  
1 34 f. "Group health plan" means the same as defined in  
1 35 section 513B.2.  
1 36 g. "Health care services" means services, the  
1 37 coverage of which is authorized under chapter 509, 514,  
1 38 514A, or 514B and includes services for the purposes  
1 39 of preventing, alleviating, curing, or healing human  
1 40 illness, injury, or physical disability.  
1 41 h. "Health insurance" means accident and sickness  
1 42 insurance authorized by chapter 509, 514, or 514A.  
1 43 i. (1) "Health insurance coverage" means health  
1 44 insurance coverage offered to individuals.  
1 45 (2) "Health insurance coverage" does not include any  
1 46 of the following:  
1 47 (a) Coverage for accident-only or disability income  
1 48 insurance.  
1 49 (b) Coverage issued as a supplement to liability  
1 50 insurance.



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- 2 1 (c) Liability insurance, including general  
2 2 liability insurance and automobile liability insurance.  
2 3 (d) Workers' compensation or similar insurance.  
2 4 (e) Automobile medical-payment insurance.  
2 5 (f) Credit-only insurance.  
2 6 (g) Coverage for on-site medical clinic care.  
2 7 (h) Other similar insurance coverage, specified in  
2 8 federal regulations, under which benefits for medical  
2 9 care are secondary or incidental to other insurance  
2 10 coverage or benefits.  
2 11 (3) "Health insurance coverage" does not include  
2 12 benefits provided under a separate policy as follows:  
2 13 (a) Limited-scope dental or vision benefits.  
2 14 (b) Benefits for long-term care, nursing home care,  
2 15 home health care, or community-based care.  
2 16 (c) Any other similar limited benefits as provided  
2 17 by rule of the commissioner.  
2 18 (4) "Health insurance coverage" does not include  
2 19 benefits offered as independent noncoordinated benefits  
2 20 as follows:  
2 21 (a) Coverage only for a specified disease or  
2 22 illness.  
2 23 (b) A hospital indemnity or other fixed indemnity  
2 24 insurance.  
2 25 (5) "Health insurance coverage" does not include  
2 26 Medicare supplemental health insurance as defined under  
2 27 section 1882(g)(1) of the federal Social Security Act,  
2 28 coverage supplemental to the coverage provided under  
2 29 10 U.S.C. ch. 55 and similar supplemental coverage  
2 30 provided to coverage under group health insurance  
2 31 coverage.  
2 32 j. "Medical assistance program" means the  
2 33 federal-state assistance program established under Tit.  
2 34 XIX of the federal Social Security Act and chapter  
2 35 249A.  
2 36 k. "Medicare" means the federal government health  
2 37 insurance program established under Tit. XVIII of the  
2 38 federal Social Security Act.  
2 39 l. "Organized delivery system" means an organized  
2 40 delivery system as licensed by the director of public  
2 41 health.  
2 42 3. Iowa insurance information exchange established ==  
2 43 advisory board.  
2 44 a. An Iowa insurance information exchange is  
2 45 established in the insurance division of the department  
2 46 of commerce under the purview of the commissioner of  
2 47 insurance.  
2 48 b. The exchange shall exercise its powers in  
2 49 consultation with the advisory board established under  
2 50 this subsection.



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Senate Amendment 5152 continued

3 1 c. The advisory board of the exchange shall consist  
3 2 of the following members:  
3 3 (1) The following persons who are voting members  
3 4 of the board appointed by the governor and subject to  
3 5 confirmation by the senate:  
3 6 (a) A health care academic with a background in  
3 7 economics, law, or public health.  
3 8 (b) An executive of a carrier.  
3 9 (c) A health benefits manager of a company.  
3 10 (d) A health care analyst representing a public or  
3 11 private employee bargaining unit.  
3 12 (e) A health care analyst representing an organized  
3 13 consumer group.  
3 14 (f) A health care provider.  
3 15 (g) An insurance agent.  
3 16 (2) The following persons who are ex officio,  
3 17 nonvoting members of the board:  
3 18 (a) The commissioner of insurance, or a designee.  
3 19 (b) The Iowa Medicaid director, or a designee.  
3 20 (c) Four members of the general assembly,  
3 21 one appointed by the speaker of the house of  
3 22 representatives, one appointed by the minority leader  
3 23 of the house of representatives, one appointed by the  
3 24 majority leader of the senate, and one appointed by the  
3 25 minority leader of the senate.  
3 26 d. Each member of the board appointed by the  
3 27 governor shall be a resident of this state and the  
3 28 composition of voting members of the board shall be in  
3 29 compliance with sections 69.16, 69.16A, and 69.16C.  
3 30 e. The voting members of the board shall be  
3 31 appointed for terms of six years beginning and ending  
3 32 as provided in section 69.19. A member of the board is  
3 33 eligible for reappointment. The governor shall fill  
3 34 a vacancy for the remainder of the unexpired term. A  
3 35 member of the board may be removed by the governor for  
3 36 misfeasance, malfeasance, or willful neglect of duty or  
3 37 other cause after notice and a public hearing unless  
3 38 the notice and hearing are waived by the member in  
3 39 writing.  
3 40 f. The voting members of the board shall annually  
3 41 elect one of the members as chairperson and one as vice  
3 42 chairperson.  
3 43 g. A majority of the voting members of the board  
3 44 constitutes a quorum. The affirmative vote of a  
3 45 majority of the voting members is necessary for any  
3 46 action taken by the board. The majority shall not  
3 47 include a member who has a conflict of interest and  
3 48 a statement by a member of a conflict of interest is  
3 49 conclusive for this purpose. A vacancy in the voting  
3 50 membership of the board does not impair the right of a



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Senate Amendment 5152 continued

4 1 quorum to exercise the rights and perform the duties  
4 2 of the board. An action taken by the board under this  
4 3 section may be authorized by resolution at a regular  
4 4 or special meeting and each resolution may take effect  
4 5 immediately and need not be published or posted.  
4 6 Meetings of the board shall be held at the call of the  
4 7 chairperson or at the request of a majority of the  
4 8 voting members.

4 9 h. Members of the board may be reimbursed from the  
4 10 moneys of the exchange for expenses incurred by them as  
4 11 members, but shall not be otherwise compensated by the  
4 12 exchange for their services.

4 13 i. The members of the board are subject to and are  
4 14 officials within the meaning of chapter 68B.

4 15 j. The board shall consult with and provide  
4 16 recommendations to assist the commissioner in carrying  
4 17 out the powers and duties of the exchange set forth in  
4 18 subsection 5.

4 19 k. The commissioner shall provide administrative  
4 20 and technical support to the board in carrying out its  
4 21 duties under this section.

4 22 4. Plan of operation.

4 23 a. The commissioner, in consultation with the  
4 24 board, shall establish a plan of operation for the  
4 25 exchange that assures the fair, reasonable, and  
4 26 equitable administration of the exchange, within ninety  
4 27 days after the appointment of the board. In addition  
4 28 to other requirements, the plan of operation shall  
4 29 provide for all of the following:

4 30 (1) The handling and accounting of assets and  
4 31 moneys of the exchange.

4 32 (2) The amount and method of reimbursing expenses  
4 33 of the members of the board.

4 34 (3) Regular times and places for meetings of the  
4 35 board.

4 36 (4) Records to be kept of all financial  
4 37 transactions, and an annual fiscal report of the costs  
4 38 of administering the exchange to be delivered to the  
4 39 general assembly by December 15 of each year.

4 40 (5) The periodic advertising of the general  
4 41 availability of health coverage information and  
4 42 assistance from the exchange.

4 43 (6) Additional provisions necessary or proper for  
4 44 the execution of the powers and duties of the exchange.

4 45 b. The exchange has the general powers and  
4 46 authority enumerated by this subsection and pursuant  
4 47 to subsection 5 and executed in accordance with the  
4 48 plan of operation established by the commissioner under  
4 49 paragraph "a".

4 50 c. The exchange shall develop and implement the



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5 1 plan of operation and corresponding timeline detailing  
5 2 action steps toward implementing this section, by  
5 3 rules adopted pursuant to chapter 17A as provided in  
5 4 subsection 6.  
5 5 5. Powers and duties of exchange.  
5 6 a. The exchange shall develop a system that  
5 7 provides a portal where uninsured Iowans can receive  
5 8 assistance in how to obtain public or private health  
5 9 care coverage. The department of human services shall  
5 10 determine the eligibility of uninsured Iowans for  
5 11 public programs and provide assistance with enrollment  
5 12 in the appropriate public programs. The exchange shall  
5 13 provide assistance with how to obtain private health  
5 14 insurance coverage that meets certain standards of  
5 15 quality and affordability to uninsured Iowans who are  
5 16 not eligible for or do not wish to enroll in public  
5 17 programs. The exchange, in consultation with the  
5 18 board, shall develop a methodology to create a seamless  
5 19 system that allows individuals to move between public  
5 20 and private health care coverage, including increasing  
5 21 opportunities for obtaining creditable coverage.  
5 22 b. The exchange shall establish three categories  
5 23 of benefits including basic or catastrophic benefits,  
5 24 an intermediate level of benefits, and comprehensive  
5 25 benefits coverage, that meet affordability limits  
5 26 established pursuant to 2009 Iowa Acts ch. 118, section  
5 27 1, subsection 4, paragraph "c".  
5 28 c. (1) The exchange shall establish an information  
5 29 clearinghouse to provide information to all Iowans  
5 30 about all public and private health care coverage that  
5 31 is available in the state including comparisons of  
5 32 benefits, premiums, and out-of-pocket costs.  
5 33 (2) The exchange may establish standards to provide  
5 34 uniform and consistent information about the health  
5 35 care coverage options offered by each carrier and  
5 36 public program that includes but is not limited to  
5 37 what benefits are covered and not covered, the amount  
5 38 of coverage for each service, including copays and  
5 39 deductibles, and any prior authorization requirements  
5 40 for coverage.  
5 41 (3) The exchange may require each carrier,  
5 42 organized delivery system, and public program to  
5 43 categorize and describe the category of benefits to  
5 44 which each health care coverage option offered by a  
5 45 carrier, organized delivery system, or public program  
5 46 belongs as set forth in paragraph "b".  
5 47 (4) The exchange shall provide ongoing information  
5 48 to taxpayers about the costs of public health care  
5 49 programs to the state, including the percentage and  
5 50 source of state and federal funding for the programs.



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6 1 (5) The exchange may provide counseling to assist  
6 2 Iowans with making an informed choice when selecting  
6 3 health care coverage.  
6 4 d. The exchange shall encourage or develop the use  
6 5 of common definitions for quality of care and pricing  
6 6 of health care services and develop and implement  
6 7 methodologies that provide quality and cost data on  
6 8 health care services and health care coverage offered  
6 9 in the state that is meaningful to consumers, patients,  
6 10 and purchasers.  
6 11 e. The commissioner may hire independent  
6 12 consultants, as deemed necessary, to assist in carrying  
6 13 out the powers and duties of the exchange.  
6 14 f. The exchange shall collaborate with, including  
6 15 but not limited to the board, the department of human  
6 16 services, the department of public health, health care  
6 17 providers, members of an organized consumer=purchaser  
6 18 group, members of the Iowa collaborative safety net  
6 19 provider network, and carriers to carry out the duties  
6 20 of the exchange including dissemination of information  
6 21 about the services offered by the exchange to the  
6 22 public.  
6 23 6. Rules. The commissioner shall adopt rules  
6 24 pursuant to chapter 17A to implement the provisions of  
6 25 this section.  
6 26 7. Iowa insurance information exchange fund created.  
6 27 a. An Iowa insurance information exchange fund is  
6 28 created in the state treasury as a separate fund under  
6 29 the control of the exchange. All moneys appropriated  
6 30 or transferred to the fund shall be credited to the  
6 31 fund. All moneys deposited or paid into the fund shall  
6 32 only be appropriated to the exchange to be used for the  
6 33 purposes set forth in this section.  
6 34 b. Notwithstanding section 8.33, any balance in  
6 35 the fund on June 30 of each fiscal year shall not  
6 36 revert to the general fund of the state, but shall be  
6 37 available for purposes of this section in subsequent  
6 38 fiscal years. Notwithstanding section 12C.7, interest  
6 39 earnings on moneys in the fund shall be credited to the  
6 40 fund.  
6 41 Sec. \_\_\_\_ . INITIAL MEMBERS OF ADVISORY BOARD OF  
6 42 THE IOWA INSURANCE INFORMATION EXCHANGE. The initial  
6 43 voting members of the advisory board of the Iowa  
6 44 insurance information exchange shall be appointed  
6 45 within thirty days after the effective date of this  
6 46 division of this Act.>  
6 47 #2. By renumbering as necessary.

JACK HATCH

RICH OLIVE  
SF2356.1580 (3) 83



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av/nh



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Senate Amendment 5153

PAG LIN

1 1 Amend Senate File 2306 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. Section 600C.1, Code 2009, is amended  
1 5 by striking the section and inserting in lieu thereof  
1 6 the following:  
1 7 600C.1 Grandparent and great-grandparent visitation.  
1 8 1. The grandparent or great-grandparent of a  
1 9 minor child may petition the court for grandchild or  
1 10 great-grandchild visitation when the parent of the  
1 11 minor child, who is the child of the grandparent or the  
1 12 grandchild of the great-grandparent, is deceased.  
1 13 2. The court shall consider a fit parent's  
1 14 objections to granting visitation under this section.  
1 15 A rebuttable presumption arises that a fit parent's  
1 16 decision to deny visitation to a grandparent or  
1 17 great-grandparent is in the best interest of a minor  
1 18 child.  
1 19 3. The court may grant visitation to the  
1 20 grandparent or great-grandparent under this section  
1 21 if the court finds all of the following by clear and  
1 22 convincing evidence:  
1 23 a. It is in the best interest of the child to grant  
1 24 such visitation.  
1 25 b. The grandparent or great-grandparent has  
1 26 established a substantial relationship with the child  
1 27 prior to the filing of the petition.  
1 28 c. That the presumption that the parent who is  
1 29 being asked to temporarily relinquish care, custody,  
1 30 and control of the child to provide visitation is fit  
1 31 to make the decision regarding visitation is overcome  
1 32 by demonstrating one of the following:  
1 33 (1) The parent is unfit to make such decision.  
1 34 (2) The parent's judgment has been impaired and the  
1 35 relative benefit to the child of granting visitation  
1 36 greatly outweighs any effect on the parent-child  
1 37 relationship. Impaired judgment of a parent may be  
1 38 evidenced by any of, but not limited to, the following:  
1 39 (a) Neglect of the child.  
1 40 (b) Abuse of the child.  
1 41 (c) Violence toward the child.  
1 42 (d) Indifference or absence of feeling toward the  
1 43 child.  
1 44 (e) Demonstrated unwillingness and inability to  
1 45 promote the emotional and physical well-being of the  
1 46 child.  
1 47 (f) Drug abuse.  
1 48 (g) A diagnosis of mental illness.  
1 49 4. In determining the best interest of the child,  
1 50 the court shall consider all of the following:



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Senate Amendment 5153 continued

- 2 1 a. The prior interaction and interrelationships of  
2 2 the child with the child's parents, siblings, and other  
2 3 persons related by consanguinity or affinity, compared  
2 4 to the child's relationship with the grandparent or  
2 5 great-grandparent.
- 2 6 b. The geographical location of the grandparent's  
2 7 or great-grandparent's residence and the distance  
2 8 between the grandparent's or great-grandparent's  
2 9 residence and the child's residence.
- 2 10 c. The child's and parent's available time,  
2 11 including but not limited to the parent's employment  
2 12 schedule, the child's school schedule, the amount of  
2 13 time that will be available for the child to spend with  
2 14 siblings, and the child's and the parent's holiday and  
2 15 vacation schedules.
- 2 16 d. The age of the child.
- 2 17 e. If the court has interviewed the child in  
2 18 chambers as provided in this section regarding the  
2 19 wishes and concerns of the child as to visitation  
2 20 by the grandparent or great-grandparent or as to a  
2 21 specific visitation schedule, the wishes and concerns  
2 22 of the child, as expressed to the court.
- 2 23 f. The health and safety of the child.
- 2 24 g. The mental and physical health of all parties.
- 2 25 h. Whether the grandparent or great-grandparent  
2 26 previously has been convicted of or pleaded guilty to  
2 27 any criminal offense involving any act that resulted  
2 28 in a child being an abused child or a neglected child;  
2 29 whether the grandparent or great-grandparent previously  
2 30 has been convicted of or pleaded guilty to a crime  
2 31 involving a victim who at the time of the commission  
2 32 of the offense was a member of the family or household  
2 33 that is the subject of the current proceeding; and  
2 34 whether there is reason to believe that the grandparent  
2 35 or great-grandparent has acted in a manner resulting in  
2 36 a child having ever been found to be an abused child  
2 37 or a neglected child.
- 2 38 i. The wishes and concerns of the child's parent,  
2 39 as expressed by the parent to the court.
- 2 40 j. Any other factor in the best interest of the  
2 41 child.
- 2 42 5. For the purposes of this subsection "substantial  
2 43 relationship" includes but is not limited to any of the  
2 44 following:
- 2 45 a. The child has lived with the grandparent or  
2 46 great-grandparent for at least six months.
- 2 47 b. The grandparent or great-grandparent has  
2 48 voluntarily and in good faith supported the child  
2 49 financially in whole or in part for a period of not  
2 50 less than six months.



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3 1 c. The grandparent or great-grandparent has had  
3 2 frequent visitation including occasional overnight  
3 3 visitation with the child for a period of not less than  
3 4 one year.

3 5 6. If the court interviews any child concerning  
3 6 the child's wishes and concerns regarding parenting  
3 7 time or visitation, the interview shall be conducted  
3 8 in chambers, and only the child, the child's attorney,  
3 9 the judge, any necessary court personnel, and, in the  
3 10 judge's discretion, the attorney of the parent shall  
3 11 be permitted to be present in the chambers during the  
3 12 interview. A person shall not obtain or attempt to  
3 13 obtain from a child a written or recorded statement or  
3 14 affidavit setting forth the wishes and concerns of the  
3 15 child regarding parenting time or visitation.

3 16 7. For the purposes of this section, "court" means  
3 17 the district court or the juvenile court if that court  
3 18 currently has jurisdiction over the child in a pending  
3 19 action. If an action is not pending, the district  
3 20 court has jurisdiction.

3 21 8. Notwithstanding any provision of this chapter  
3 22 to the contrary, venue for any action to establish,  
3 23 enforce, or modify visitation under this section shall  
3 24 be in the county where the child resides if no final  
3 25 custody order determination relating to the grandchild  
3 26 or great-grandchild has been entered by any other  
3 27 court. If a final custody order has been entered by  
3 28 any other court, venue shall be located exclusively in  
3 29 the county where the most recent final custody order  
3 30 was entered. If any other custodial proceeding is  
3 31 pending when an action to establish, enforce, or modify  
3 32 visitation under this section is filed, venue shall be  
3 33 located exclusively in the county where the pending  
3 34 custodial proceeding was filed.

3 35 9. Notice of any proceeding to establish, enforce,  
3 36 or modify visitation under this section shall be  
3 37 personally served upon the parent of the child  
3 38 whose interests are affected by a proceeding brought  
3 39 pursuant to this section and all grandparents or  
3 40 great-grandparents who have previously obtained a final  
3 41 order or commenced a proceeding under this section.

3 42 10. The court shall not enter any temporary order  
3 43 to establish, enforce, or modify visitation under this  
3 44 section.

3 45 11. An action brought under this section is subject  
3 46 to chapter 598B, and in an action brought to establish,  
3 47 enforce, or modify visitation under this section,  
3 48 each party shall submit in its first pleading or in an  
3 49 attached affidavit all information required by section  
3 50 598B.209.



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4 1 12. A grandparent or great-grandparent shall not  
4 2 petition for visitation under this section more than  
4 3 once every two years absent a showing of good cause.  
4 4 13. The court shall not issue an order restricting  
4 5 the movement of the child if such restriction is  
4 6 solely for the purpose of allowing the grandparent  
4 7 or great-grandparent the opportunity to exercise the  
4 8 grandparent's or great-grandparent's visitation under  
4 9 this section.>

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SF2306.1634 (1) 83  
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## Senate Amendment 5154

PAG LIN

1 1 Amend Senate File 2354 as follows:  
1 2 #1. Page 4, line 33, after <company,> by inserting  
1 3 <union,>  
1 4 #2. Page 5, line 2, after <union,> by inserting  
1 5 <union,>  
1 6 #3. Page 5, line 8, after <union,> by inserting  
1 7 <union,>  
1 8 #4. Page 5, line 11, after <union,> by inserting  
1 9 <union,>  
1 10 #5. Page 5, line 23, after <union,> by inserting  
1 11 <union,>  
1 12 #6. Page 5, line 27, after <union,> by inserting  
1 13 <union,>  
1 14 #7. Page 6, after line 21 by inserting:  
1 15 Sec. \_\_\_\_ . Section 68A.701, Code 2009, is amended to  
1 16 read as follows:  
1 17 68A.701 Penalty.  
1 18 Any person who willfully violates any provisions  
1 19 of this chapter shall ~~upon conviction, be guilty of~~  
~~1 20 a serious misdemeanor~~ be subject to a fine of five  
1 21 hundred dollars.  
1 22 #8. By renumbering as necessary.

DAVID L. HARTSUCH  
SF2354.1622 (2) 83  
jr/rj



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## Senate Amendment 5155

PAG LIN

1 1 Amend the amendment, S=5138, to Senate File 2354,  
1 2 as follows:  
1 3 #1. Page 3, by striking lines 22 and 23 and  
1 4 inserting:  
1 5 <\_\_\_\_. Page 2, by striking lines 22 through 26.>  
1 6 #2. By renumbering as necessary.

DAVID L. HARTSUCH  
SF2354.1624 (1) 83  
jr/rj



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## Senate Amendment 5156

PAG LIN

1 1 Amend the amendment, S=5126, to Senate File 2357 as  
1 2 follows:  
1 3 #1. Page 1, line 44, after <2.> by inserting <a.>  
1 4 #2. Page 1, line 45, after <922(g)(8)> by inserting  
1 5 <and who has had the opportunity to receive a trial by  
1 6 jury>  
1 7 #3. Page 1, after line 49 by inserting:  
1 8 <b. A person who is subject to a protective order  
1 9 under paragraph "a" shall be afforded the opportunity  
1 10 to challenge the factual basis for the entry of the  
1 11 protective order.>  
1 12 #4. By renumbering as necessary.

DAVID L. HARTSUCH  
SF2357.1649 (3) 83  
rh/rj



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## Senate Amendment 5157

PAG LIN

1 1 Amend the amendment, S=5122, to Senate File 2316 as  
1 2 follows:  
1 3 #1. Page 1, line 2, by striking <11> and inserting  
1 4 <19>  
1 5 #2. Page 1, after line 4 by inserting:  
1 6 <\_\_\_\_. Page 1, line 28, after <practices> by  
1 7 inserting <or other comparable management practices>>  
1 8 #3. Page 2, after line 2 by inserting:  
1 9 <\_\_\_\_. Page 7, line 6, by striking <department of  
1 10 natural resources and the>>  
1 11 #4. By renumbering as necessary.

ROBERT M. HOGG  
SF2316.1644 (1) 83  
tm/rj



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## Senate Amendment 5158

PAG LIN

1 1 Amend the amendment, S=5152, to Senate File 2356 as  
1 2 follows:  
1 3 #1. Page 5, line 17, after <with the> by inserting  
1 4 <department of human services and the>

JACK HATCH  
SF2356.1651 (1) 83  
av/rj



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Senate Amendment 5159

PAG LIN

1 1 Amend the House amendment, S=5072, to Senate File  
1 2 2088, as amended, passed, and reprinted by the Senate,  
1 3 as follows:  
1 4 #1. By striking page 1, line 3, through page 22,  
1 5 line 31, and inserting:  
1 6 <\_\_\_. Page 1, after line 31 by inserting:  
1 7 <Oe. Network services, including equipment and  
1 8 software which support local area networks, campus  
1 9 area networks, wide area networks, and metro area  
1 10 networks. Network services also include data network  
1 11 services such as routers, switches, firewalls, virtual  
1 12 private networks, intrusion detection systems, access  
1 13 control, internet protocol load balancers, event  
1 14 logging and correlation, and content caching. Network  
1 15 services do not include services provided by the Iowa  
1 16 communications network pursuant to chapter 8D or by  
1 17 the public broadcasting division of the department of  
1 18 education.>  
1 19 \_\_\_. Page 2, line 25, after <appointment.> by  
1 20 inserting <The chief information officer position is  
1 21 attached to the department of management.>  
1 22 \_\_\_. Page 3, line 19, after <acquisition> by  
1 23 inserting <, utilization, or provision>  
1 24 \_\_\_. Page 3, line 27, after <Whether the> by  
1 25 inserting <failure to grant a>  
1 26 \_\_\_. Page 4, after line 12 by inserting:  
1 27 <(7) Whether the failure to grant a waiver would  
1 28 jeopardize federal funding.>  
1 29 \_\_\_. Page 4, after line 30 by inserting:  
1 30 <d. A participating agency may appeal the decision  
1 31 of the chief information officer to the director within  
1 32 seven calendar days following the decision of the chief  
1 33 information officer. The director, after consultation  
1 34 with the technology advisory council, shall respond  
1 35 within fourteen days following the receipt of the  
1 36 appeal.>  
1 37 \_\_\_. Page 4, after line 30 by inserting:  
1 38 <e. The department of public defense, including  
1 39 both the military division and the homeland security  
1 40 and emergency management division, shall not be  
1 41 required to obtain any information technology services  
1 42 pursuant to this subchapter for the department of  
1 43 public defense or its divisions that is provided by the  
1 44 department pursuant to this chapter without the consent  
1 45 of the adjutant general.>  
1 46 \_\_\_. Page 7, line 10, by striking <or other  
1 47 agencies>  
1 48 \_\_\_. Page 7, after line 25 by inserting:  
1 49 <g. Encourage participating agencies to utilize  
1 50 a print on demand strategy to reduce publication



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2 1 overruns, excessive inventory, and obsolete printed  
2 2 materials. >>  
2 3 #2. Page 22, after line 46 by inserting:  
2 4 <\_\_\_\_. Page 35, line 29, after <agencies> by  
2 5 inserting <, except the department of public safety,>>  
2 6 #3. Page 30, after line 3 by inserting:  
2 7 <Sec. \_\_\_\_ . EFFECTIVE UPON ENACTMENT. This division  
2 8 of this Act, being deemed of immediate importance,  
2 9 takes effect upon enactment. >>  
2 10 #4. Page 36, line 4, after <state.> by inserting <A  
2 11 member of the state board shall not be a provider of  
2 12 services or other entity receiving funding through the  
2 13 early childhood Iowa initiative or be employed by such  
2 14 a provider or other entity.>  
2 15 #5. Page 37, line 30, by striking <and data> and  
2 16 inserting <and data reporting requirements, applicable  
2 17 statewide,>  
2 18 #6. Page 37, by striking lines 32 and 33 and  
2 19 inserting <boards. The data from common performance  
2 20 measures and other data shall be posted on the early  
2 21 childhood Iowa internet site and disseminated by other  
2 22 means and shall also be aggregated to provide statewide  
2 23 information.>  
2 24 #7. Page 38, line 8, by striking <If> and inserting  
2 25 <Subject to the funding requirements and other  
2 26 requirements established in law, if>  
2 27 #8. Page 38, line 9, by striking <shall> and  
2 28 inserting <may>  
2 29 #9. Page 38, line 11, by striking <may> and  
2 30 inserting <shall>  
2 31 #10. Page 39, lines 6 and 7, by striking  
2 32 <coordination center> and inserting <Iowa office>  
2 33 #11. Page 39, line 7, by striking <center> and  
2 34 inserting <staff>  
2 35 #12. Page 39, line 13, by striking <Adopt> and  
2 36 inserting <Except for the fiscal oversight measures to  
2 37 be adopted by the department, adopt>  
2 38 #13. Page 39, line 33, by striking <measurer> and  
2 39 inserting <measures>  
2 40 #14. Page 39, line 44, by striking <center> and  
2 41 inserting <staff>  
2 42 #15. By striking page 39, line 45, through page 40,  
2 43 line 18, and inserting:  
2 44 <1. The department shall provide administrative  
2 45 support for implementation of the early childhood Iowa  
2 46 initiative and for the state board. The department  
2 47 shall adopt rules in consultation with the state board  
2 48 to provide fiscal oversight of the initiative. The  
2 49 fiscal oversight measures adopted shall include but are  
2 50 not limited to all of the following:



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3 1 a. Reporting and other requirements to address the  
3 2 financial activities employed by area boards.  
3 3 b. Regular audits and other requirements of fiscal  
3 4 agents for area boards.  
3 5 c. Requirements for area boards to undertake  
3 6 and report on fiscal and performance reviews of the  
3 7 programs, contracts, services, and other functions  
3 8 funded by the area boards.  
3 9 2. An early childhood Iowa office is established in  
3 10 the department to provide leadership for facilitation,  
3 11 communication, and coordination for the early childhood  
3 12 Iowa initiative activities and funding and for  
3 13 improvement of the early care, education, health,  
3 14 and human services systems. An administrator for the  
3 15 early childhood Iowa office shall be appointed by the  
3 16 director of the department. Other staff may also be  
3 17 designated, subject to appropriation made for this  
3 18 purpose.>  
3 19 #16. Page 40, line 22, by striking <center> and  
3 20 inserting <office>  
3 21 #17. Page 40, line 26, by striking <center> and  
3 22 inserting <office>  
3 23 #18. Page 40, line 28, by striking <center> and  
3 24 inserting <office>  
3 25 #19. Page 41, line 8, by striking <center> and  
3 26 inserting <office>  
3 27 #20. Page 42, line 2, by striking <A majority of  
3 28 the> and inserting <The>  
3 29 #21. Page 42, by striking lines 41 through 44 and  
3 30 inserting:  
3 31 <a. Designate a public agency of this state, as  
3 32 defined in section 28E.2, a community action agency  
3 33 as defined in section 216A.91, an area education  
3 34 agency established under section 273.2, or a nonprofit  
3 35 corporation, to be the fiscal agent for grant moneys  
3 36 and for other moneys administered by the area board.>  
3 37 #22. Page 44, line 48, after <visitation.> by  
3 38 inserting <Of the funding from all sources that an area  
3 39 board designates for family support programs, at least  
3 40 sixty percent shall be committed to programs with a  
3 41 home visitation component.>  
3 42 #23. Page 45, line 20, by striking <may request> and  
3 43 inserting <shall require>  
3 44 #24. Page 45, lines 38 and 39, by striking <evaluate  
3 45 the funding flexibility> and inserting <funding  
3 46 amounts>  
3 47 #25. Page 45, line 43, by striking <Experience or  
3 48 other evidence> and inserting <Evidence>  
3 49 #26. Page 46, line 29, after <use.> by inserting  
3 50 <The information shall include data from the indicators



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4 1 of success and performance measures adopted by the  
4 2 state board and fiscal information and other data  
4 3 developed by the department.>  
4 4 #27. Page 47, line 6, after <account> by inserting  
4 5 <are appropriated to and>  
4 6 #28. Page 47, line 11, by striking <five> and  
4 7 inserting <three>  
4 8 #29. Page 47, line 16, by striking <management> and  
4 9 inserting <human services>  
4 10 #30. Page 47, by striking lines 17 through 19 and  
4 11 inserting <credited to the account are appropriated to  
4 12 and shall be distributed by the department of human  
4 13 services>  
4 14 #31. Page 47, line 40, by striking <early childhood  
4 15 coordination center> and inserting <department of human  
4 16 services>  
4 17 #32. Page 48, after line 25 by inserting:  
4 18 <Sec. \_\_\_\_\_. NEW SECTION. 256I.12 Early childhood  
4 19 stakeholders alliance.  
4 20 1. Alliance created. An early childhood  
4 21 stakeholders alliance is created to support the  
4 22 state board in addressing the early care, health,  
4 23 and education systems that affect children ages zero  
4 24 through five in Iowa.  
4 25 2. Purpose. The purpose of the early childhood  
4 26 stakeholders alliance is to oversee and provide broad  
4 27 input into the development of a high quality Iowa early  
4 28 childhood system that meets the needs of children zero  
4 29 through age five and their families and integrates  
4 30 the early care, health, and education systems. The  
4 31 alliance shall advise the governor, general assembly,  
4 32 state board, and other public and private policy bodies  
4 33 and service providers in coordinating activities  
4 34 throughout the state to fulfill its purpose.  
4 35 3. Vision statement. All system development  
4 36 activities addressed by the early childhood  
4 37 stakeholders alliance shall be aligned around the  
4 38 following vision statement for the children of  
4 39 Iowa: "Every child, beginning at birth, will be  
4 40 healthy and successful."  
4 41 4. Membership. The early childhood stakeholders  
4 42 alliance membership shall include a representative  
4 43 of any organization that touches the lives of young  
4 44 children in the state zero through age five, has  
4 45 endorsed the purpose and vision statement for the  
4 46 alliance, has endorsed the guiding principles adopted  
4 47 by the alliance for the early childhood system, and  
4 48 has formally asked to be a member and remains actively  
4 49 engaged in alliance activities. The alliance shall  
4 50 work to ensure there is geographic, cultural, and



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5 1 ethnic diversity among the membership.  
5 2 5. Procedure. Except as otherwise provided by  
5 3 law, the early childhood stakeholders alliance shall  
5 4 determine its own rules of procedure and operating  
5 5 provisions.  
5 6 6. Steering committee. The early childhood  
5 7 stakeholders alliance shall operate with a steering  
5 8 committee to organize, manage, and coordinate the  
5 9 activities of the alliance and its component groups.  
5 10 The steering committee may act on behalf of the  
5 11 alliance as necessary. The steering committee  
5 12 membership shall consist of the co-chairpersons of  
5 13 the alliance's component groups, the administrator of  
5 14 the early childhood Iowa office, and other leaders  
5 15 designated by the alliance.  
5 16 7. Component groups. The early childhood  
5 17 stakeholders alliance shall maintain component groups  
5 18 to address the key components of the Iowa early  
5 19 childhood system. Each component group shall have one  
5 20 private and one public agency co-chairperson. The  
5 21 alliance may change the component groups as deemed  
5 22 necessary by the alliance. Initially, there shall be a  
5 23 component group for each of the following:  
5 24 a. Governance planning and administration.  
5 25 b. Professional development.  
5 26 c. Public engagement.  
5 27 d. Quality services and programs.  
5 28 e. Resources and funding.  
5 29 f. Results accountability.  
5 30 8. Duties. The early childhood stakeholders  
5 31 alliance duties shall include but are not limited to  
5 32 all of the following regarding the Iowa early childhood  
5 33 system:  
5 34 a. Coordinate with the early childhood Iowa state  
5 35 board.  
5 36 b. Serve as the state advisory council required  
5 37 under the federal Improving Head Start for School  
5 38 Readiness Act of 2007, Pub. L. No. 110=134, as  
5 39 designated by the governor.  
5 40 9. Staffing. Staff support for the early childhood  
5 41 stakeholders alliance shall be provided by the  
5 42 department.>  
5 43 #33. By striking page 49, line 34, through page 53,  
5 44 line 14.  
5 45 #34. Page 53, line 38, by striking <coordination  
5 46 center> and inserting <Iowa office>  
5 47 #35. Page 54, line 32, by striking <coordination  
5 48 center> and inserting <Iowa office>  
5 49 #36. Page 55, lines 14 and 15, by striking  
5 50 <coordination center> and inserting <Iowa office>



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6 1 #37. Page 56, line 41, by striking <coordination  
6 2 center> and inserting <Iowa office>  
6 3 #38. Page 56, line 48, by striking <coordination  
6 4 center> and inserting <Iowa office>  
6 5 #39. Page 57, line 28, by striking <Chapter> and  
6 6 inserting:  
6 7 <1. Sections 135.173 and 135.174, Code 2009, are  
6 8 repealed.  
6 9 2. Chapter>  
6 10 #40. Page 58, after line 15 by inserting:  
6 11 <4. The department of management and the early  
6 12 childhood Iowa board shall implement requirements  
6 13 for school ready children grant funds or other state,  
6 14 federal, or other funds in possession of a community  
6 15 empowerment area remaining unobligated or unexpended to  
6 16 be remitted to the successor early childhood Iowa area  
6 17 board designated to serve that area. The requirements  
6 18 shall include measures to ensure there is continuity  
6 19 of services in the transition from the community  
6 20 empowerment initiative to the early childhood Iowa  
6 21 initiative.>  
6 22 #41. By striking page 58, line 19, through page 59,  
6 23 line 42, and inserting:  
6 24 <Sec. \_\_\_\_ . DEPARTMENT OF EDUCATION == COMMUNITY  
6 25 COLLEGE ACCREDITATION RECOMMENDATIONS IMPLEMENTATION  
6 26 REVIEW. The department of education shall review and  
6 27 evaluate the implementation of the recommendations  
6 28 submitted on January 22, 2010, by the community college  
6 29 accreditation advisory committee in its final report to  
6 30 the general assembly. The department shall submit its  
6 31 findings and recommendations to the general assembly on  
6 32 or before December 31, 2010.  
6 33 Sec. \_\_\_\_ . DEPARTMENT OF EDUCATION == COMMUNITY  
6 34 COLLEGE ACCREDITATION ADVISORY COMMITTEE ==  
6 35 INSTRUCTIONAL HOURS STUDY. The department of education  
6 36 shall convene a working group, whose members shall  
6 37 include at a minimum the members of the community  
6 38 college accreditation advisory committee and the  
6 39 community college faculty advisory committee. The  
6 40 working group shall solicit comments from each of the  
6 41 community college quality faculty committees. The  
6 42 working group shall study the maximum academic credit  
6 43 hour per school term workload appropriate for an  
6 44 instructor beyond the standard workload. The working  
6 45 group shall submit its findings and recommendations to  
6 46 the state board of education and the general assembly  
6 47 on or before December 31, 2010.  
6 48 Sec. \_\_\_\_ . COMMUNITY COLLEGE ACADEMIC WORKLOAD  
6 49 EXCEPTION == FISCAL YEAR 2010=2011. Notwithstanding  
6 50 section 260C.48, subsection 2, a faculty member who



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7 1 has in previous fiscal years exceeded the eighteen  
7 2 credit hour standard set pursuant to section 260C.48,  
7 3 subsection 2, may continue to exceed the eighteen  
7 4 credit hour workload standard for the 2010=2011 fiscal  
7 5 year if the faculty member elects to teach beyond the  
7 6 eighteen credit hour workload standard.>  
7 7 #42. Page 90, after line 30 by inserting:  
7 8 <\_\_\_\_. Page 251, line 6, by striking <October> and  
7 9 inserting <July>  
7 10 \_\_\_\_\_. Page 251, line 6, after <and> by inserting <by  
7 11 January 1, 2011,>  
7 12 \_\_\_\_\_. Page 251, after line 10 by inserting:  
7 13 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The section  
7 14 of this division of this Act concerning correctional  
7 15 facility closure, being deemed of immediate importance,  
7 16 takes effect upon enactment. >>  
7 17 #43. By renumbering as necessary.

STACI APPEL  
SF2088.1640 (3) 83  
ec/rj



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Senate Amendment 5160

PAG LIN

1 1 Amend Senate File 2337 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. NEW SECTION. 91F.1 Title.  
1 5 This chapter shall be known as the "Healthy and Safe  
1 6 Families and Workplaces Act".  
1 7 Sec. 2. NEW SECTION. 91F.2 Definitions.  
1 8 1. "Commissioner" means the labor commissioner,  
1 9 appointed pursuant to section 91.2.  
1 10 2. "Domestic abuse assault" means as defined in  
1 11 section 708.2A.  
1 12 3. "Employee" means as defined in section 91A.2.  
1 13 4. "Employer" means as defined in section 91A.2.  
1 14 5. "Family member" means any of the following:  
1 15 a. An employee's spouse or domestic partner.  
1 16 b. A child or foster child; stepchild; legal ward;  
1 17 a child of a domestic partner; or a child to whom the  
1 18 employee stands in loco parentis.  
1 19 c. A parent or foster parent; stepparent; legal  
1 20 guardian; or a person who stood in loco parentis to the  
1 21 employee when the employee was a minor child.  
1 22 d. A grandparent or spouse or domestic partner of a  
1 23 grandparent.  
1 24 e. A grandchild.  
1 25 f. A sibling or foster sibling; stepsibling;  
1 26 or spouse or domestic partner of a sibling, foster  
1 27 sibling, or stepsibling.  
1 28 g. Any other individual related to the employee  
1 29 by blood or affinity whose close association with the  
1 30 employee is the equivalent of a familial relationship.  
1 31 6. "Health care professional" means as defined in  
1 32 section 135.157.  
1 33 7. "Paid sick and safe time" means time that is  
1 34 compensated at the same hourly rate and with the  
1 35 same benefits, including health care benefits, as the  
1 36 employee normally earns during hours worked and is  
1 37 provided by an employer to an employee for the purposes  
1 38 described in section 91F.4, but in no instance shall  
1 39 the hourly wage be less than that provided in section  
1 40 91D.1.  
1 41 8. "Retaliatory personnel action" means the  
1 42 discharge, suspension, or demotion of, or any other  
1 43 adverse action taken by an employer against, an  
1 44 employee.  
1 45 9. "Sexual abuse" means as defined in section  
1 46 709.1.  
1 47 10. "Stalking" means as defined in section 708.11.  
1 48 Sec. 3. NEW SECTION. 91F.3 Accrual == paid sick  
1 49 and safe time.  
1 50 1. An employee who works for compensation for an



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2 1 employer shall have the right to accrue and use paid  
2 2 sick and safe time for each hour the employee works for  
2 3 the employer as provided in this chapter.  
2 4 2. a. An employee shall accrue a minimum of one  
2 5 hundred sixteen ten-thousandths of an hour of paid sick  
2 6 and safe time for each hour worked for the employer.  
2 7 An employee who works two thousand eighty hours in a  
2 8 calendar year shall accrue approximately twenty-four  
2 9 hours of paid sick and safe time. An employer may set  
2 10 a higher accrual rate for paid sick and safe time.  
2 11 b. (1) An employee may accrue up to twenty-four  
2 12 hours of paid sick and safe time in a calendar year,  
2 13 unless the employer selects a higher limit.  
2 14 (2) An employee shall not carry over more than  
2 15 eight hours of accrued paid sick and safe time to the  
2 16 following calendar year, unless the employer selects  
2 17 a higher limit.  
2 18 3. Employees who are exempt from overtime  
2 19 requirements under 29 U.S.C. { 213(a)(1) of the federal  
2 20 Fair Labor Standards Act of 1938 are deemed to work  
2 21 forty hours in each work week for purposes of paid sick  
2 22 and safe time accrual unless their normal work week is  
2 23 less than forty hours, in which case paid sick and safe  
2 24 time accrues based upon that normal work week.  
2 25 4. Paid sick and safe time as provided in this  
2 26 section shall begin to accrue upon the commencement of  
2 27 employment for new employees and for existing employees  
2 28 beginning July 1, 2010.  
2 29 5. a. A new employee may use accrued paid sick  
2 30 and safe time beginning on the sixtieth calendar day  
2 31 following commencement of the employee's employment.  
2 32 On and after the sixtieth calendar day of employment,  
2 33 an employee may use accrued paid sick and safe time and  
2 34 accruing paid sick and safe time as it accrues.  
2 35 b. Existing employees may use paid sick and safe  
2 36 time as it accrues pursuant to this chapter.  
2 37 6. An employer with a paid leave policy who makes  
2 38 available an amount of paid leave sufficient to meet  
2 39 the accrual requirements of this section that may  
2 40 be used for the same purposes and under the same  
2 41 conditions as paid sick and safe time under this  
2 42 chapter is not required to provide additional paid sick  
2 43 and safe time.  
2 44 7. Nothing in this section shall be construed  
2 45 as requiring financial or other reimbursement to  
2 46 an employee from an employer upon the employee's  
2 47 termination, resignation, retirement, or other  
2 48 separation from employment for accrued paid sick and  
2 49 safe time that has not been used.  
2 50 8. a. If an employee is transferred to a separate



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3 1 division, entity, or location, but remains employed by  
3 2 the same employer, the employee is entitled to all paid  
3 3 sick and safe time previously accrued; is entitled to  
3 4 immediately use all accrued paid sick and safe time as  
3 5 provided in this chapter; and shall continue to accrue  
3 6 paid sick and safe time at the same rate or higher as  
3 7 before the transfer.

3 8 b. When there is a separation from employment and  
3 9 the employee is rehired within three months of the  
3 10 separation by the same employer, previously accrued  
3 11 paid sick and safe time that had not been used prior to  
3 12 the separation shall be reinstated. The employee may  
3 13 use such accrued paid sick and safe time immediately  
3 14 upon rehire, and paid sick and safe time shall begin to  
3 15 accrue immediately upon rehire.

3 16 9. At the employer's discretion, the employer may  
3 17 advance paid sick and safe time to an employee ahead of  
3 18 accrual of such time by the employee.

3 19 Sec. 4. NEW SECTION. 91F.4 Use == paid sick and  
3 20 safe time.

3 21 1. Paid sick and safe time shall be provided to an  
3 22 employee by an employer for the following purposes:

3 23 a. An employee's mental or physical illness,  
3 24 injury, or health condition; an employee's need for  
3 25 medical diagnosis, care, or treatment of a mental or  
3 26 physical illness, injury, or health condition; an  
3 27 employee's need for preventive medical care.

3 28 b. An employee's need to care for a family member  
3 29 with a mental or physical illness, injury, or health  
3 30 condition; an employee's need to care for a family  
3 31 member who needs medical diagnosis, care, or treatment  
3 32 of a mental or physical illness, injury, or health  
3 33 condition; an employee's need to care for a family  
3 34 member who needs preventive medical care.

3 35 c. (1) Closure of the employee's place of work  
3 36 by order of a public official due to a public health  
3 37 emergency unless such time off shall be made up as  
3 38 agreed to in a contract or collective bargaining  
3 39 agreement between the employer and employee, or is  
3 40 otherwise required by law.

3 41 (2) An employee's need to care for a family member  
3 42 whose school or place of care has been closed by order  
3 43 of a public official due to a public health emergency.

3 44 (3) An employee's need to care for a family member  
3 45 when public health authorities or a health care  
3 46 professional has determined that the family member's  
3 47 presence in the community jeopardizes the health of  
3 48 others because of the family member's exposure to  
3 49 communicable disease, whether or not the family member  
3 50 has actually contracted the communicable disease.



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4 1 d. An employee's need to be absent from work due  
4 2 to domestic abuse assault, sexual abuse, or stalking,  
4 3 provided the leave from work is to do one or more of  
4 4 the following:  
4 5 (1) Seek medical attention for the employee or  
4 6 family member to recover from physical or psychological  
4 7 injury or disability caused by domestic abuse assault  
4 8 or sexual abuse.  
4 9 (2) Obtain services from a victim services  
4 10 organization.  
4 11 (3) Obtain psychological or other counseling.  
4 12 (4) Seek relocation due to the domestic abuse  
4 13 assault, sexual abuse, or stalking.  
4 14 (5) Take legal action, including preparing for or  
4 15 participating in any civil or criminal legal proceeding  
4 16 related to or resulting from the domestic abuse  
4 17 assault, sexual abuse, or stalking.  
4 18 2. Paid sick and safe time shall be allowed upon  
4 19 the oral request of an employee. When possible, the  
4 20 employee shall include the expected duration of the  
4 21 employee's absence.  
4 22 3. When the use of paid sick and safe time is  
4 23 foreseeable, the employee shall make a good faith  
4 24 effort to provide notice of the need for such time to  
4 25 the employer in advance of the use of the paid sick and  
4 26 safe time, and the employee shall make a reasonable  
4 27 effort to schedule the use of paid sick and safe time  
4 28 in a manner that does not unduly disrupt the operations  
4 29 of the employer.  
4 30 4. Accrued paid sick and safe time may be used  
4 31 in the smaller of hourly increments or the smallest  
4 32 increment that the employer's payroll system uses to  
4 33 account for absences or use of other time.  
4 34 5. a. An employer may require reasonable  
4 35 documentation that paid sick and safe time is for the  
4 36 purposes described in subsection 1.  
4 37 (1) Documentation signed by a health care  
4 38 professional indicating that sick time is necessary  
4 39 shall be considered reasonable documentation.  
4 40 (2) A police report indicating that the employee  
4 41 was a victim of domestic abuse assault, sexual abuse,  
4 42 or stalking; a court order; or a signed statement  
4 43 from a victim and witness advocate affirming that  
4 44 the employee is involved in legal action related to  
4 45 domestic abuse assault, sexual abuse, or stalking shall  
4 46 be considered reasonable documentation.  
4 47 b. An employer may not require that the  
4 48 documentation explain the nature of the medical reason  
4 49 or the details of the domestic abuse, sexual abuse, or  
4 50 stalking.



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- 5 1 c. (1) If an employer chooses to require  
5 2 documentation for use of paid sick time and the  
5 3 employee does not have health insurance, the employer  
5 4 is responsible for paying all out-of-pocket expenses  
5 5 the employee incurs in obtaining the documentation.
- 5 6 (2) If the employee does have health insurance, the  
5 7 employer is responsible for paying any costs charged to  
5 8 the employee by the health care provider for providing  
5 9 the specific documentation required by the employer.
- 5 10 6. An employer shall not require as a condition of  
5 11 allowing paid sick and safe time under this chapter  
5 12 that the employee search for or find a replacement  
5 13 worker to cover the hours during which the employee  
5 14 will be using paid sick and safe time.
- 5 15 Sec. 5. NEW SECTION. 91F.5 Exercise of rights ==  
5 16 retaliation prohibited.
- 5 17 1. An employer or any other person shall not  
5 18 interfere with, restrain, or deny the exercise of, or  
5 19 the attempt to exercise, any right protected under this  
5 20 chapter.
- 5 21 2. An employer shall not take retaliatory personnel  
5 22 action or discriminate against an employee because the  
5 23 employee has exercised rights protected under this  
5 24 chapter. Such rights include but are not limited to  
5 25 the following:
- 5 26 a. The right to use paid sick and safe time  
5 27 pursuant to this chapter.
- 5 28 b. The right to file a complaint or inform any  
5 29 person about any employer's alleged violation of this  
5 30 chapter.
- 5 31 c. The right to cooperate with the commissioner  
5 32 in any investigation of alleged violations of this  
5 33 chapter.
- 5 34 d. The right to inform any person of the person's  
5 35 potential rights under this chapter.
- 5 36 3. An employer's absence control policy shall not  
5 37 count paid sick and safe time taken pursuant to this  
5 38 chapter as an absence that may lead to or result in  
5 39 discipline, discharge, demotion, suspension, or any  
5 40 other adverse action.
- 5 41 4. The protections of this section shall apply to  
5 42 any person who mistakenly but in good faith alleges  
5 43 violations of this section.
- 5 44 5. There is a rebuttable presumption of retaliation  
5 45 under this section whenever an employer takes adverse  
5 46 action against an employee within ninety days of when  
5 47 that employee has done any of the following:
- 5 48 a. Filed a complaint with the commissioner or a  
5 49 court alleging a violation of any provision of this  
5 50 chapter.



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6 1 b. Informed any person about an employer's alleged  
6 2 violation of this chapter.  
6 3 c. Cooperated with the commissioner or others in an  
6 4 investigation or prosecution of any alleged violation  
6 5 of this chapter.  
6 6 d. Opposed any policy, practice, or act that is  
6 7 unlawful under this chapter.  
6 8 e. Informed any person of the person's potential  
6 9 rights under this chapter.  
6 10 Sec. 6. NEW SECTION. 91F.6 Notice and posting.  
6 11 1. An employer shall give notice to employees of  
6 12 the following:  
6 13 a. Employees are entitled to paid sick and safe  
6 14 time.  
6 15 b. The accrual amounts of paid sick and safe time.  
6 16 c. The terms of use of paid sick and safe time  
6 17 guaranteed under this chapter.  
6 18 d. The prohibition against retaliation against  
6 19 employees who request or use paid sick and safe time.  
6 20 e. Each employee has the right to file a complaint  
6 21 or bring a civil action if paid sick and safe time as  
6 22 required by this chapter is denied by the employer, or  
6 23 the employee is retaliated against for requesting or  
6 24 taking paid sick and safe time.  
6 25 2. a. An employer may comply with this section by  
6 26 supplying each employee with a notice in English, and  
6 27 in any language that is the first language spoken by at  
6 28 least five percent of the employer's workforce, that  
6 29 contains the information described in subsection 1.  
6 30 b. (1) An employer may comply with this section  
6 31 by displaying a poster in a conspicuous and accessible  
6 32 place in each establishment where such employees  
6 33 are employed which contains in English, and in any  
6 34 language that is the first language spoken by at least  
6 35 five percent of the employer's workforce, all the  
6 36 information required in subsection 1.  
6 37 (2) The commissioner shall create and make  
6 38 available to employers posters that contain the  
6 39 information required in subsection 1 in English and in  
6 40 any language that the employer informs the commissioner  
6 41 that more than five percent of the employer's workforce  
6 42 speaks as a first language.  
6 43 3. An employer who willfully violates the notice  
6 44 and posting requirements of this section shall be  
6 45 subject to a civil fine in an amount not to exceed one  
6 46 hundred dollars for each separate offense.  
6 47 Sec. 7. NEW SECTION. 91F.7 Damages recoverable by  
6 48 an employee.  
6 49 In an action by an employee against the employee's  
6 50 employer or former employer for an alleged violation of



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7 1 this chapter, when it has been shown that the employer  
7 2 has intentionally failed to provide paid sick and safe  
7 3 time to the employee in violation of this chapter or  
7 4 failed to allow the employee to use accrued paid sick  
7 5 and safe time as provided by this chapter, the employer  
7 6 shall be liable to the employee for the monetary value  
7 7 of the owed paid sick and safe time, plus liquidated  
7 8 damages for failure to allow the employee to use  
7 9 accrued paid sick and safe time, court costs, and any  
7 10 attorney fees incurred in the civil action.

7 11 Sec. 8. NEW SECTION. 91F.8 Employer records.

7 12 1. An employer shall retain records documenting  
7 13 hours worked by employees and paid sick and safe time  
7 14 taken by employees, for a period of five years.

7 15 2. An employer shall allow the commissioner  
7 16 access to such records, with notice and at a mutually  
7 17 agreeable time, to monitor compliance with the  
7 18 requirements of this chapter.

7 19 3. If an issue arises as to an employee's  
7 20 entitlement to paid sick and safe time under this  
7 21 chapter and the employer does not maintain or retain  
7 22 adequate records according to this section or does not  
7 23 allow the commissioner access to such records, the  
7 24 commissioner or other investigating authority shall  
7 25 presume that the employer has violated this chapter,  
7 26 absent clear and convincing evidence otherwise.

7 27 Sec. 9. NEW SECTION. 91F.9 Enforcement.

7 28 1. Upon the written complaint of the employee  
7 29 involved, the commissioner may determine whether  
7 30 to investigate if an employer has violated any  
7 31 provision of this chapter. The commissioner shall keep  
7 32 confidential, to the extent permitted by applicable  
7 33 law, the name of and other indentifying information  
7 34 about the employee reporting the alleged violation.  
7 35 However, the commissioner, with the authorization of  
7 36 the complaining employee, may disclose the employee's  
7 37 name and other information as necessary to enforce this  
7 38 chapter or for other appropriate purposes.

7 39 2. If for any reason the commissioner makes a  
7 40 determination not to investigate, the commissioner  
7 41 shall notify the complaining employee within  
7 42 fourteen days of receipt of the complaint. The  
7 43 commissioner shall otherwise notify the employee of  
7 44 the determination to investigate within a reasonable  
7 45 time. If it is determined that there is an enforceable  
7 46 claim, the commissioner, with the consent of the  
7 47 complaining employee and with the assistance of the  
7 48 office of the attorney general if the commissioner  
7 49 requests such assistance, shall, unless a settlement  
7 50 is reached, commence a civil action in any court of



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8 1 competent jurisdiction to recover for the benefit of  
8 2 any employee any paid sick and safe time claims that  
8 3 have been assigned to the commissioner for recovery.  
8 4 The commissioner may also request reasonable and  
8 5 necessary attorney fees. With the consent of the  
8 6 assigning employee, the commissioner may also settle a  
8 7 claim on behalf of the assigning employee.  
8 8 3. Proceedings under this section that precede  
8 9 commencement of a civil action shall be conducted  
8 10 informally without any party having a right to be heard  
8 11 before the commissioner. The commissioner may join  
8 12 various assignments in one claim for the purpose of  
8 13 settling or litigating their claims.  
8 14 4. The provisions of subsections 1 and 2 shall  
8 15 not be construed to prevent an employee from settling  
8 16 or bringing an action for damages under section 91F.7  
8 17 if the employee has not assigned the claim under  
8 18 subsection 1.  
8 19 5. Any recovery of attorney fees, in the case of  
8 20 actions brought under this section by the commissioner,  
8 21 shall be remitted by the commissioner to the treasurer  
8 22 of state for deposit in the general fund of the state.  
8 23 The commissioner shall not be required to pay any  
8 24 filing fee or other court costs.  
8 25 Sec. 10. NEW SECTION. 91F.10 Confidentiality and  
8 26 nondisclosure.  
8 27 1. An employer may not require disclosure of  
8 28 details relating to domestic abuse assault, sexual  
8 29 abuse, or stalking, or the details of an employee's  
8 30 medical condition or that of a family member as a  
8 31 condition of allowing paid sick and safe time under  
8 32 this chapter.  
8 33 2. If an employer possesses health information  
8 34 or information pertaining to domestic abuse assault,  
8 35 sexual abuse, or stalking about an employee or an  
8 36 employee's family member, such information shall be  
8 37 treated as confidential and not disclosed except to the  
8 38 affected employee or with the written permission of the  
8 39 affected employee.  
8 40 Sec. 11. NEW SECTION. 91F.11 Other sick and safe  
8 41 time policies == legal requirements.  
8 42 1. Nothing in this chapter shall be construed to  
8 43 discourage or prohibit an employer from the adoption or  
8 44 retention of a paid sick and safe time policy that is  
8 45 more generous than that provided in this chapter.  
8 46 2. Nothing in this chapter shall be construed as  
8 47 diminishing the obligation of an employer to comply  
8 48 with any contract, collective bargaining agreement,  
8 49 employment benefit plan, or other agreement that  
8 50 provides more generous paid sick and safe time to an



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9 1 employee than required in this chapter.  
9 2 3. Nothing in this chapter shall be construed as  
9 3 diminishing the rights of public employees regarding  
9 4 paid sick and safe time or the use of paid sick and  
9 5 safe time as provided by state law.  
9 6 4. This chapter provides minimum requirements  
9 7 pertaining to paid sick and safe time and shall not  
9 8 be construed to preempt, limit, or otherwise affect  
9 9 the applicability of any other law, regulation,  
9 10 requirement, policy, or standard that provides for  
9 11 greater accrual or use by employees of sick and safe  
9 12 time, whether paid or unpaid, or that extends other  
9 13 protections to employees.  
9 14 Sec. 12. Section 91.4, subsection 5, Code 2009, is  
9 15 amended to read as follows:  
9 16 5. The director of the department of workforce  
9 17 development, in consultation with the labor  
9 18 commissioner, shall, at the time provided by law,  
9 19 make an annual report to the governor setting forth  
9 20 in appropriate form the business and expense of the  
9 21 division of labor services for the preceding year,  
9 22 the number of disputes or violations processed by  
9 23 the division and the disposition of the disputes  
9 24 or violations, and other matters pertaining to the  
9 25 division which are of public interest, together with  
9 26 recommendations for change or amendment of the laws  
9 27 in this chapter and chapters 88, 88A, 88B, 89, 89A,  
9 28 89B, 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and  
9 29 section 85.68, and the recommendations, if any, shall  
9 30 be transmitted by the governor to the first general  
9 31 assembly in session after the report is filed.  
9 32 Sec. 13. APPLICABILITY. Notwithstanding section 14  
9 33 of this Act relating to applicability of this Act on  
9 34 or after the effective date of this Act, this Act does  
9 35 not apply to employees under a contract or collective  
9 36 bargaining agreement that was in effect on or before  
9 37 the effective date of this Act.  
9 38 Sec. 14. APPLICABILITY. This Act applies to all  
9 39 existing employees on and after the effective date of  
9 40 this Act and to all new employees hired on or after  
9 41 that date.>  
9 42 #2. By renumbering as necessary.

THOMAS G. COURTNEY  
SF2337.1532 (2) 83  
ak/nh



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## Senate Amendment 5161

PAG LIN

1 1 Amend the amendment, S=5159, to the House amendment,  
1 2 S=5072, to Senate File 2088, as amended, passed, and  
1 3 reprinted by the Senate, as follows:  
1 4 #1. Page 2, by striking lines 33 and 34 .  
1 5 #2. By renumbering as necessary.

STACI APPEL  
SF2088.1667 (3) 83  
jp/rj



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## Senate Amendment 5162

PAG LIN

1 1 Amend Senate File 2067, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, lines 23 and 24, by striking  
1 4 <subsections 5 and 9, Code Supplement 2009, are> and  
1 5 inserting <subsection 5, Code Supplement 2009, is>  
1 6 #2. Page 2, by striking lines 3 through 11.  
SF2067.1664.H (1) 83  
mb



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**Senate Amendment 5163**

PAG LIN

1 1 Amend Senate File 2345 as follows:  
 1 2 #1. Page 4, after line 9 by inserting:  
 1 3 <Sec. \_\_\_\_\_. Section 633.20, subsection 3, Code 2009,  
 1 4 is amended to read as follows:  
 1 5 3. A person appointed as an associate probate  
 1 6 judge shall have jurisdiction to audit accounts of  
 1 7 fiduciaries and to perform ministerial duties as  
 1 8 a referee provided in this section and shall have  
 1 9 additional jurisdiction to perform the judicial  
 1 10 functions as the court prescribes provided in section  
 1 11 633.20D.  
 1 12 Sec. \_\_\_\_\_. NEW SECTION. 633.20D Associate probate  
 1 13 judge == jurisdiction == appeals.  
 1 14 1. An associate probate judge shall have  
 1 15 the same jurisdiction to conduct probate court  
 1 16 proceedings, to issue no-contact or protective orders,  
 1 17 injunctions, contempt orders for adults in probate  
 1 18 court proceedings, and to issue orders, findings, and  
 1 19 decisions as the judge of the probate court. However,  
 1 20 the chief judge may limit the exercise of probate court  
 1 21 jurisdiction by the associate probate judge.  
 1 22 2. The parties to a proceeding heard by an  
 1 23 associate probate judge are entitled to appeal the  
 1 24 order, finding, or decision of an associate probate  
 1 25 judge, in the manner of an appeal from orders,  
 1 26 findings, or decisions of district court judges. An  
 1 27 appeal does not automatically stay the order, finding,  
 1 28 or decision of an associate probate judge.>  
 1 29 #2. Page 4, after line 9 by inserting:  
 1 30 <Sec. \_\_\_\_\_. Section 665.7, Code 2009, is amended to  
 1 31 read as follows:  
 1 32 665.7 Notice to show cause.  
 1 33 Before punishing for contempt, unless the offender  
 1 34 is already in the presence of the court, the offender  
 1 35 must be served personally with a rule an order to  
 1 36 show cause against the punishment, and a reasonable  
 1 37 time given the offender therefor; or the offender may  
 1 38 be brought before the court forthwith, or on a given  
 1 39 day, by warrant, if necessary. In either case the  
 1 40 offender may, at the offender's option, make a written  
 1 41 explanation of the offender's conduct under oath, which  
 1 42 must be filed and preserved.>  
 1 43 #3. By renumbering as necessary.  
 SF2345.1657.H (2) 83  
 mb



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**Senate Amendment 5164**

PAG LIN

1 1 Amend Senate File 2356 as follows:  
1 2 #1. Page 3, by striking lines 16 through 19 and  
1 3 inserting:  
1 4 <a. (1) The individual is not eligible for health  
1 5 care coverage under any other public program, with the  
1 6 exception of coverage through the Iowa comprehensive  
1 7 health insurance association pursuant to chapter 514E.  
1 8 (2) The individual is not eligible for health care  
1 9 coverage through group or individual health insurance.  
1 10 (3) Health care coverage offered to the individual  
1 11 through group or individual health insurance is not  
1 12 affordable as specified in section 217A.7.>  
1 13 #2. Page 3, by striking lines 25 through 28 and  
1 14 inserting <which the individual is eligible or the  
1 15 individual has not had individual health insurance  
1 16 coverage in the last six months.>  
1 17 #3. Page 4, by striking line 27.  
1 18 #4. Page 5, line 8, after <135.153> by inserting  
1 19 <that meet the requirements for medical homes developed  
1 20 pursuant to this section>  
1 21 #5. Page 5, line 21, after <shall> by inserting  
1 22 <develop a methodology to>  
1 23 #6. Page 5, line 31, after <5.> by inserting  
1 24 <IowaCare plus member services provided to members by  
1 25 providers included in the regional provider network  
1 26 shall be payable at the full benefit recipient rates.>  
1 27 #7. Page 5, line 34, by striking <1.>  
1 28 #8. Page 6, line 8, after <"c".> by inserting  
1 29 <Premiums collected pursuant to this section shall be  
1 30 deposited in the IowaCare plus trust fund created in  
1 31 section 217A.8.>  
1 32 #9. Page 6, after line 8 by inserting:  
1 33 <2. Each IowaCare plus member may be eligible  
1 34 for premium assistance as specified by rule of the  
1 35 department.>  
1 36 #10. Page 6, by striking lines 9 through 21 and  
1 37 inserting:  
1 38 <Sec. \_\_\_\_ . NEW SECTION. 217A.7A Coverage  
1 39 options == eligible individuals.  
1 40 1. If an eligible individual is eligible for  
1 41 premium assistance under section 217A.7, the department  
1 42 shall require, that prior to provision of coverage  
1 43 through the IowaCare plus program, the eligible  
1 44 individual provides proof that the eligible individual  
1 45 is unable to obtain individual or group coverage  
1 46 that is affordable as specified in section 217A.7 as  
1 47 follows:  
1 48 a. In the individual market, even if the program  
1 49 pays the individual share of the annual premium up  
1 50 to the amount that the program would subsidize the



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2 1 eligible individual through the program.  
2 2 b. If the individual has access to health care  
2 3 coverage through the individual's employer, for which  
2 4 coverage the employer pays at least fifty percent of  
2 5 the annual premium cost, even if the program pays the  
2 6 employee share of the annual premium up to the amount  
2 7 the program would subsidize the individual through the  
2 8 program.

2 9 2. If an eligible individual provides proof that  
2 10 the eligible individual is unable to obtain individual  
2 11 or group coverage as specified in subsection 1, the  
2 12 eligible individual may obtain coverage under the  
2 13 program.

2 14 3. The department shall adopt rules to implement  
2 15 this section, including the documentation necessary for  
2 16 an eligible individual to provide proof of inability  
2 17 to obtain coverage.>

2 18 #11. Page 7, line 10, after <of> by inserting  
2 19 <federal>

2 20 #12. Page 7, by striking lines 12 through 14.

2 21 #13. Page 7, line 31, after <centers> and inserting  
2 22 <or federally qualified health center look-alikes in  
2 23 the state>

2 24 #14. Page 8, after line 15 by inserting:

2 25 <(5) Notwithstanding any provision to the contrary,  
2 26 the department shall develop a methodology to reimburse  
2 27 regional provider network participating providers  
2 28 designated under this subsection.>

2 29 #15. Page 8, by striking lines 24 through 26 and  
2 30 inserting <appropriated on an annual basis, the  
2 31 hospital and the university of Iowa hospitals and  
2 32 clinics shall remain the only expansion population  
2 33 providers for the residents of such county.>

2 34 #16. Page 8, by striking lines 27 through 30 and  
2 35 inserting:

2 36 <2. Expansion population services provided to  
2 37 expansion population members by ~~providers included in~~  
2 38 ~~the expansion population provider network~~ the publicly  
2 39 owned acute care teaching hospital located in a county  
2 40 with a population over three hundred fifty thousand and  
2 41 the university of Iowa hospitals and clinics shall be  
2 42 payable at the full benefit recipient rates.>

2 43 #17. By striking page 9, line 14, through page 10,  
2 44 line 1, and inserting:

2 45 <6. The department shall utilize certified public  
2 46 expenditures at the university of Iowa hospitals and  
2 47 clinics to maximize the availability of state funding  
2 48 to provide necessary access to both local primary  
2 49 and specialty physician care to expansion population  
2 50 members. The resulting savings to the state shall be



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3 1 utilized to reimburse physician services provided to  
3 2 expansion population members at the university of Iowa  
3 3 college of medicine, to reimburse providers designated  
3 4 to participate in the regional provider network for  
3 5 services provided to expansion population members,  
3 6 and for deposit in the nonparticipating provider  
3 7 reimbursement fund created in section 249J.24A to be  
3 8 used in accordance with the purposes and requirements  
3 9 of the fund.>

3 10 #18. Page 10, after line 4 by inserting:  
3 11 <Sec. \_\_\_\_ . Section 249J.24A, Code Supplement 2009,  
3 12 is amended by adding the following new subsection:  
3 13 NEW SUBSECTION. 5. Notwithstanding any provision  
3 14 to the contrary, moneys in the fund may also be used  
3 15 in accordance with the methodology developed by the  
3 16 department for reimbursement of nonparticipating  
3 17 providers in the IowaCare plus program's regional  
3 18 provider network established pursuant to section  
3 19 217A.6. However, prioritization in allocation  
3 20 of moneys within the fund shall be to provide  
3 21 reimbursement to nonparticipating providers as defined  
3 22 in this section.>  
3 23 #19. By renumbering as necessary.

JACK HATCH

RICH OLIVE  
SF2356.1645 (3) 83  
pf/rj