



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House Amendment 8438

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1 1 Amend House File 2512 as follows:
 1 2 #1. Page 2, after line 5 by inserting:
 1 3 <Sec. _____. Section 321.463, subsection 10,
 1 4 paragraph a, Code Supplement 2009, is amended to read
 1 5 as follows:
 1 6 a. A person who operates a vehicle in violation
 1 7 of this section, and an owner, or any other person,
 1 8 employing or otherwise directing the operator of
 1 9 a vehicle, who requires or knowingly permits the
 1 10 operation of a vehicle in violation of this section
 1 11 shall be fined according to the following schedule:
 1 12 AXLE, TANDEM AXLE,
 1 13 AND GROUP OF AXLES
 1 14 WEIGHT VIOLATIONS
 1 15 Pounds Overloaded Amount of Fine \$YUL
 1 17 Up to and including
 1 18 1,000 pounds \$12
 1 19 \$24
 1 20 Over 1,000 pounds up to and
 1 21 including 2,000 pounds \$22
 1 22 \$44
 1 23 Over 2,000 pounds up to and
 1 24 including 3,000 pounds \$155
 1 25 \$310
 1 26 Over 3,000 pounds up to and
 1 27 including 4,000 pounds \$240
 1 28 \$480
 1 29 Over 4,000 pounds up to and
 1 30 including 5,000 pounds \$375
 1 31 \$750
 1 32 Over 5,000 pounds up to and
 1 33 including 6,000 pounds \$585
 1 34 \$1,170
 1 35 Over 6,000 pounds up to and
 1 36 including 7,000 pounds \$850
 1 37 \$1,700
 1 38 Over 7,000 pounds up to and
 1 39 including 8,000 pounds \$950
 1 40 \$1,900
 1 41 Over 8,000 pounds up to and
 1 42 including 9,000 pounds \$1,050
 1 43 \$2,100
 1 44 Over 9,000 pounds up to and
 1 45 including 10,000 pounds \$1,150
 1 46 \$2,300
 1 47 Over 10,000 pounds up to and
 1 48 including 11,000 pounds \$1,300
 1 49 \$2,600
 1 50 Over 11,000 pounds up to and



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2 1	including 12,000 pounds	\$1,400	
2 2	<u>\$2,800</u>		
2 3	Over 12,000 pounds up to and		
2 4	including 13,000 pounds	\$1,500	
2 5	<u>\$3,000</u>		
2 6	Over 13,000 pounds up to and		
2 7	including 14,000 pounds	\$1,600	
2 8	<u>\$3,200</u>		
2 9	Over 14,000 pounds up to and		
2 10	including 15,000 pounds	\$1,700	
2 11	<u>\$3,400</u>		
2 12	Over 15,000 pounds up to and		
2 13	including 16,000 pounds	\$1,800	
2 14	<u>\$3,600</u>		
2 15	Over 16,000 pounds up to and		
2 16	including 17,000 pounds	\$1,900	
2 17	<u>\$3,800</u>		
2 18	Over 17,000 pounds up to and		
2 19	including 18,000 pounds	\$2,000	
2 20	<u>\$4,000</u>		
2 21	Over 18,000 pounds up to and		
2 22	including 19,000 pounds	\$2,100	
2 23	<u>\$4,200</u>		
2 24	Over 19,000 pounds up to and		
2 25	including 20,000 pounds	\$2,200	
2 26	<u>\$4,400</u>		
2 27	Over 20,000 pounds	\$2,200 <u>\$4,400</u>	
2 28	plus ten <u>twenty</u>		
2 29	cents per pound		
2 30	in excess of		
2 31	20,000 pounds>		
2 32	#2. Title page line 2, after <highways> by inserting		
2 33	<and containing penalty provisions>		
2 34	#3. By renumbering as necessary.		

SCHUELLER of Jackson
HF2512.2211 (5) 83
dea/nh



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House Amendment 8439

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- 1 1 Amend Senate File 2367, as amended, passed, and
- 1 2 reprinted by the Senate, as follows:
- 1 3 #1. Page 14, by striking lines 6 through 12.
- 1 4 #2. By renumbering as necessary.

WATTS of Dallas
SF2367.2165 (2) 83
ec/tm



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House Amendment 8440

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1 1 Amend Senate File 2367, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 14, line 6, after <CONTINUATION> by
1 4 inserting <AND EXTENSION>
1 5 #2. Page 14, line 12, after <force> by inserting
1 6 <, and shall be extended and applied to other food
1 7 establishments in existence as of June 15, 2006, that
1 8 use a similar cooking apparatus for ground meat ,>

GASKILL of Wapello
SF2367.2291 (2) 83
ec/tm



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House Amendment 8441

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1 1 Amend Senate File 2356, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by striking lines 30 through 32 and
1 4 inserting <such hospital has reached service capacity,
1 5 the hospital and the>

HUNTER of Polk
SF2356.2121 (1) 83
pf/rj



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House Amendment 8442

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1 1 Amend House File 2523 as follows:
 1 2 #1. By striking everything after the enacting clause
 1 3 and inserting:
 1 4 <DIVISION I
 1 5 APPROPRIATIONS
 1 6 Section 1. DEPARTMENT OF JUSTICE.
 1 7 1. There is appropriated from the general fund
 1 8 of the state to the department of justice for the
 1 9 fiscal year beginning July 1, 2010, and ending June 30,
 1 10 2011, the following amounts, or so much thereof as is
 1 11 necessary, to be used for the purposes designated:
 1 12 a. For the general office of attorney general for
 1 13 salaries, support, maintenance, and miscellaneous
 1 14 purposes, including the prosecuting attorneys training
 1 15 program, victim assistance grants, office of drug
 1 16 control policy prosecuting attorney program, and
 1 17 odometer fraud enforcement, and for not more than the
 1 18 following full-time equivalent positions:
 1 19 \$ 7,732,930
 1 20 FTEs 232.50
 1 21 It is the intent of the general assembly that as
 1 22 a condition of receiving the appropriation provided
 1 23 in this lettered paragraph, the department of justice
 1 24 shall maintain a record of the estimated time incurred
 1 25 representing each agency or department.
 1 26 b. For victim assistance grants:
 1 27 \$ 3,060,000
 1 28 The funds appropriated in this lettered paragraph
 1 29 shall be used to provide grants to care providers
 1 30 providing services to crime victims of domestic abuse
 1 31 or to crime victims of rape and sexual assault.
 1 32 The balance of the victim compensation fund
 1 33 established in section 915.94 may be used to provide
 1 34 salary and support of not more than 22 FTEs and
 1 35 to provide maintenance for the victim compensation
 1 36 functions of the department of justice.
 1 37 The department of justice may transfer moneys from
 1 38 the victim compensation fund established in section
 1 39 915.94 to the victim assistance grant program.
 1 40 c. For legal services for persons in poverty grants
 1 41 as provided in section 13.34:
 1 42 \$ 1,930,671
 1 43 2. a. The department of justice, in submitting
 1 44 budget estimates for the fiscal year commencing July
 1 45 1, 2011, pursuant to section 8.23, shall include a
 1 46 report of funding from sources other than amounts
 1 47 appropriated directly from the general fund of the
 1 48 state to the department of justice or to the office of
 1 49 consumer advocate. These funding sources shall include
 1 50 but are not limited to reimbursements from other state



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2 1 agencies, commissions, boards, or similar entities, and
2 2 reimbursements from special funds or internal accounts
2 3 within the department of justice. The department of
2 4 justice shall also report actual reimbursements for the
2 5 fiscal year commencing July 1, 2009, and actual and
2 6 expected reimbursements for the fiscal year commencing
2 7 July 1, 2010.

2 8 b. The department of justice shall include the
2 9 report required under paragraph "a", as well as
2 10 information regarding any revisions occurring as a
2 11 result of reimbursements actually received or expected
2 12 at a later date, in a report to the co-chairpersons
2 13 and ranking members of the joint appropriations
2 14 subcommittee on the justice system and the legislative
2 15 services agency. The department of justice shall
2 16 submit the report on or before January 15, 2011.

2 17 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
2 18 appropriated from the department of commerce revolving
2 19 fund created in section 546.12 to the office of
2 20 consumer advocate of the department of justice for the
2 21 fiscal year beginning July 1, 2010, and ending June 30,
2 22 2011, the following amount, or so much thereof as is
2 23 necessary, to be used for the purposes designated:

2 24 For salaries, support, maintenance, miscellaneous
2 25 purposes, and for not more than the following full-time
2 26 equivalent positions:

2 27	\$ 3,336,344
2 28	FTEs 27.00

2 29 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

2 30 1. There is appropriated from the general fund of
2 31 the state to the department of corrections for the
2 32 fiscal year beginning July 1, 2010, and ending June 30,
2 33 2011, the following amounts, or so much thereof as is
2 34 necessary, to be used for the purposes designated:

2 35 For the operation of adult correctional
2 36 institutions, reimbursement of counties for certain
2 37 confinement costs, and federal prison reimbursement,
2 38 to be allocated as follows:

2 39 a. For the operation of the Fort Madison
2 40 correctional facility, including salaries, support,
2 41 maintenance, and miscellaneous purposes:
2 42 \$ 39,991,374

2 43 As a condition of receiving an appropriation in
2 44 this lettered paragraph, the department of corrections
2 45 shall operate the John Bennett facility either as an
2 46 institution of the department or a community-based
2 47 correctional facility.

2 48 b. For the operation of the Anamosa correctional
2 49 facility, including salaries, support, maintenance, and
2 50 miscellaneous purposes:



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3 1 \$ 30,416,461

3 2 As a condition of receiving the appropriation in

3 3 this lettered paragraph, the department of corrections

3 4 shall employ two part-time registered nurses at the

3 5 Luster Heights facility, and shall seek volunteer

3 6 licensed medical personnel to serve at the facility.

3 7 It is the intent of the general assembly that the

3 8 department of corrections fully operate the Luster

3 9 Heights facility at the facility's 88-bed capacity.

3 10 As a condition of the moneys appropriated in this

3 11 lettered paragraph, the department of corrections shall

3 12 replace expired federal funding by expending at least

3 13 \$238,252 for continuation of a treatment program that

3 14 prepares offenders for ongoing therapeutic treatment

3 15 programs offered by the department and maintaining at

3 16 least 4.75 FTEs for the program.

3 17 Moneys appropriated in this lettered paragraph shall

3 18 provide for one full-time substance abuse counselor

3 19 for the Luster Heights facility for the purpose of

3 20 certification of a substance abuse program at that

3 21 facility.

3 22 c. For the operation of the Oakdale correctional

3 23 facility, including salaries, support, maintenance, and

3 24 miscellaneous purposes:

3 25 \$ 55,755,246

3 26 d. For the operation of the Newton correctional

3 27 facility, including salaries, support, maintenance, and

3 28 miscellaneous purposes:

3 29 \$ 26,452,257

3 30 e. For the operation of the Mt. Pleasant

3 31 correctional facility, including salaries, support,

3 32 maintenance, and miscellaneous purposes:

3 33 \$ 26,265,257

3 34 f. For the operation of the Rockwell City

3 35 correctional facility, including salaries, support,

3 36 maintenance, and miscellaneous purposes:

3 37 \$ 9,324,565

3 38 g. For the operation of the Clarinda correctional

3 39 facility, including salaries, support, maintenance, and

3 40 miscellaneous purposes:

3 41 \$ 23,645,033

3 42 Moneys received by the department of corrections as

3 43 reimbursement for services provided to the Clarinda

3 44 youth corporation are appropriated to the department

3 45 and shall be used for the purpose of operating the

3 46 Clarinda correctional facility.

3 47 h. For the operation of the Mitchellville

3 48 correctional facility, including salaries, support,

3 49 maintenance, and miscellaneous purposes:

3 50 \$ 15,486,586



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4 1 i. For the operation of the Fort Dodge correctional
 4 2 facility, including salaries, support, maintenance, and
 4 3 miscellaneous purposes:
 4 4 \$ 29,020,235
 4 5 j. For reimbursement of counties for temporary
 4 6 confinement of work release and parole violators, as
 4 7 provided in sections 901.7, 904.908, and 906.17, and
 4 8 for offenders confined pursuant to section 904.513:
 4 9 \$ 775,092
 4 10 k. For federal prison reimbursement, reimbursements
 4 11 for out-of-state placements, and miscellaneous
 4 12 contracts:
 4 13 \$ 239,411
 4 14 2. The department of corrections shall use moneys
 4 15 appropriated in subsection 1 to continue to contract
 4 16 for the services of a Muslim imam.
 4 17 Sec. 4. DEPARTMENT OF CORRECTIONS ==
 4 18 ADMINISTRATION.
 4 19 1. There is appropriated from the general fund of
 4 20 the state to the department of corrections for the
 4 21 fiscal year beginning July 1, 2010, and ending June 30,
 4 22 2011, the following amounts, or so much thereof as is
 4 23 necessary, to be used for the purposes designated:
 4 24 a. For general administration, including salaries,
 4 25 support, maintenance, employment of an education
 4 26 director to administer a centralized education
 4 27 program for the correctional system, and miscellaneous
 4 28 purposes:
 4 29 \$ 4,254,068
 4 30 (1) It is the intent of the general assembly
 4 31 that as a condition of receiving the appropriation
 4 32 provided in this lettered paragraph the department of
 4 33 corrections shall not, except as otherwise provided in
 4 34 subparagraph (3), enter into a new contract, unless
 4 35 the contract is a renewal of an existing contract,
 4 36 for the expenditure of moneys in excess of \$100,000
 4 37 during the fiscal year beginning July 1, 2010, for the
 4 38 privatization of services performed by the department
 4 39 using state employees as of July 1, 2010, or for the
 4 40 privatization of new services by the department without
 4 41 prior consultation with any applicable state employee
 4 42 organization affected by the proposed new contract and
 4 43 prior notification of the co-chairpersons and ranking
 4 44 members of the joint appropriations subcommittee on the
 4 45 justice system.
 4 46 (2) It is the intent of the general assembly
 4 47 that each lease negotiated by the department of
 4 48 corrections with a private corporation for the purpose
 4 49 of providing private industry employment of inmates in
 4 50 a correctional institution shall prohibit the private



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5 1 corporation from utilizing inmate labor for partisan
5 2 political purposes for any person seeking election to
5 3 public office in this state and that a violation of
5 4 this requirement shall result in a termination of the
5 5 lease agreement.

5 6 (3) It is the intent of the general assembly
5 7 that as a condition of receiving the appropriation
5 8 provided in this lettered paragraph the department
5 9 of corrections shall not enter into a lease or
5 10 contractual agreement pursuant to section 904.809 with
5 11 a private corporation for the use of building space
5 12 for the purpose of providing inmate employment without
5 13 providing that the terms of the lease or contract
5 14 establish safeguards to restrict, to the greatest
5 15 extent feasible, access by inmates working for the
5 16 private corporation to personal identifying information
5 17 of citizens.

5 18 b. For educational programs for inmates at state
5 19 penal institutions:

5 20 \$ 1,558,109

5 21 As a condition of receiving the appropriation in
5 22 this lettered paragraph, the department of corrections
5 23 shall transfer at least \$300,000 from the canteen
5 24 operating funds established pursuant to section 904.310
5 25 to be used for correctional educational programs funded
5 26 in this lettered paragraph.

5 27 It is the intent of the general assembly that moneys
5 28 appropriated in this lettered paragraph shall be used
5 29 solely for the purpose indicated and that the moneys
5 30 shall not be transferred for any other purpose. In
5 31 addition, it is the intent of the general assembly
5 32 that the department shall consult with the community
5 33 colleges in the areas in which the institutions are
5 34 located to utilize moneys appropriated in this lettered
5 35 paragraph to fund the high school completion, high
5 36 school equivalency diploma, adult literacy, and adult
5 37 basic education programs in a manner so as to maintain
5 38 these programs at the institutions.

5 39 To maximize the funding for educational programs,
5 40 the department shall establish guidelines and
5 41 procedures to prioritize the availability of
5 42 educational and vocational training for inmates based
5 43 upon the goal of facilitating an inmate's successful
5 44 release from the correctional institution.

5 45 The director of the department of corrections may
5 46 transfer moneys from Iowa prison industries for use in
5 47 educational programs for inmates.

5 48 Notwithstanding section 8.33, moneys appropriated
5 49 in this lettered paragraph that remain unobligated or
5 50 unexpended at the close of the fiscal year shall not



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6 1 revert but shall remain available for expenditure only
6 2 for the purpose designated in this lettered paragraph
6 3 until the close of the succeeding fiscal year.
6 4 c. For the development of the Iowa corrections
6 5 offender network (ICON) data system:
6 6 \$ 424,364
6 7 d. For offender mental health and substance abuse
6 8 treatment:
6 9 \$ 22,319
6 10 e. For viral hepatitis prevention and treatment:
6 11 \$ 167,881

6 12 2. It is the intent of the general assembly
6 13 that the department of corrections shall continue
6 14 to operate the correctional farms under the control
6 15 of the department at the same or greater level
6 16 of participation and involvement as existed as
6 17 of June 30, 2011; shall not enter into any rental
6 18 agreement or contract concerning any farmland under
6 19 the control of the department that is not subject
6 20 to a rental agreement or contract as of January 1,
6 21 2010, without prior legislative approval; and shall
6 22 further attempt to provide job opportunities at the
6 23 farms for inmates. The department shall attempt to
6 24 provide job opportunities at the farms for inmates
6 25 by encouraging labor-intensive farming or gardening
6 26 where appropriate; using inmates to grow produce
6 27 and meat for institutional consumption; researching
6 28 the possibility of instituting food canning and
6 29 cook-and-chill operations; and exploring opportunities
6 30 for organic farming and gardening, livestock ventures,
6 31 horticulture, and specialized crops.

6 32 3. The department of corrections shall provide a
6 33 smoking cessation program to offenders committed to the
6 34 custody of the director or who are otherwise detained
6 35 by the department, that complies with legislation
6 36 enacted restricting or prohibiting smoking on the
6 37 grounds of correctional institutions.

6 38 4. As a condition of receiving the appropriations
6 39 made in this section, the department of corrections
6 40 shall develop and implement offender reentry programs
6 41 in Black Hawk and Polk counties to provide transitional
6 42 planning and release primarily for offenders released
6 43 from the Iowa correctional institution for women
6 44 at Mitchellville and the Fort Dodge correctional
6 45 facility. Programming shall include minority and
6 46 gender-specific responsiveness, employment, substance
6 47 abuse treatment, mental health services, housing, and
6 48 family reintegration. The department of corrections
6 49 shall collaborate with the first and fifth judicial
6 50 district departments of correctional services, the Iowa



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7 1 department of workforce development, the department
 7 2 of human services, community-based providers and
 7 3 faith-based organizations, and local law enforcement.
 7 4 5. The chief security officer position within the
 7 5 department of corrections shall be eliminated by the
 7 6 effective date of this subsection.
 7 7 6. The department shall place inmates at the Luster
 7 8 Heights facility who have been approved by the board
 7 9 of parole for work release but who are expected to be
 7 10 waiting in prison for at least four months for a bed
 7 11 to become available at a community-based correctional
 7 12 facility, unless the placement would dislodge an inmate
 7 13 receiving substance abuse treatment.
 7 14 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF
 7 15 CORRECTIONAL SERVICES.
 7 16 1. There is appropriated from the general fund of
 7 17 the state to the department of corrections for the
 7 18 fiscal year beginning July 1, 2010, and ending June
 7 19 30, 2011, for salaries, support, maintenance, and
 7 20 miscellaneous purposes, the following amounts, or
 7 21 so much thereof as is necessary, to be allocated as
 7 22 follows:
 7 23 a. For the first judicial district department of
 7 24 correctional services:
 7 25 \$ 12,453,082
 7 26 As a condition of the moneys appropriated in this
 7 27 lettered paragraph, the department of corrections shall
 7 28 replace expired federal funding by expending at least
 7 29 \$140,000 for the dual diagnosis program and maintaining
 7 30 1.25 FTEs for the program.
 7 31 b. For the second judicial district department of
 7 32 correctional services:
 7 33 \$ 10,770,616
 7 34 c. For the third judicial district department of
 7 35 correctional services:
 7 36 \$ 5,715,578
 7 37 d. For the fourth judicial district department of
 7 38 correctional services:
 7 39 \$ 5,522,416
 7 40 e. For the fifth judicial district department of
 7 41 correctional services, including funding for electronic
 7 42 monitoring devices for use on a statewide basis:
 7 43 \$ 18,938,081
 7 44 As a condition of receiving the appropriation in
 7 45 this lettered paragraph, the fifth judicial district
 7 46 department of correctional services shall reinstate
 7 47 67 beds in buildings 65 and 66 at the Fort Des Moines
 7 48 facility and resume operating the buildings, in
 7 49 addition to maintaining the 199 beds in buildings 68
 7 50 and 70 at the Fort Des Moines facility. The district



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8 1 department may use inmate labor to upgrade and renovate
 8 2 the buildings, if renovation and updating are required.
 8 3 f. For the sixth judicial district department of
 8 4 correctional services:
 8 5 \$ 13,030,356
 8 6 g. For the seventh judicial district department of
 8 7 correctional services:
 8 8 \$ 6,846,560
 8 9 h. For the eighth judicial district department of
 8 10 correctional services:
 8 11 \$ 6,935,622
 8 12 2. Each judicial district department of
 8 13 correctional services, within the funding available,
 8 14 shall continue programs and plans established within
 8 15 that district to provide for intensive supervision, sex
 8 16 offender treatment, diversion of low-risk offenders
 8 17 to the least restrictive sanction available, job
 8 18 development, and expanded use of intermediate criminal
 8 19 sanctions.
 8 20 3. Each judicial district department of
 8 21 correctional services shall provide alternatives to
 8 22 prison consistent with chapter 901B. The alternatives
 8 23 to prison shall ensure public safety while providing
 8 24 maximum rehabilitation to the offender. A judicial
 8 25 district department of correctional services may also
 8 26 establish a day program.
 8 27 4. The governor's office of drug control policy
 8 28 shall consider federal grants made to the department
 8 29 of corrections for the benefit of each of the eight
 8 30 judicial district departments of correctional services
 8 31 as local government grants, as defined pursuant to
 8 32 federal regulations.
 8 33 5. The department of corrections shall continue
 8 34 to contract with a judicial district department
 8 35 of correctional services to provide for the rental
 8 36 of electronic monitoring equipment which shall be
 8 37 available statewide.
 8 38 6. A judicial district department of correctional
 8 39 services shall accept into the facilities of the
 8 40 district department, offenders assigned from other
 8 41 judicial district departments of correctional services.
 8 42 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION
 8 43 OF APPROPRIATIONS. Notwithstanding section 8.39,
 8 44 within the moneys appropriated in this Act to the
 8 45 department of corrections, the department may
 8 46 reallocate the moneys appropriated and allocated as
 8 47 necessary to best fulfill the needs of the correctional
 8 48 institutions, administration of the department, and the
 8 49 judicial district departments of correctional services.
 8 50 However, in addition to complying with the requirements



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9 1 of sections 904.116 and 905.8 and providing notice to
9 2 the legislative services agency, the department of
9 3 corrections shall also provide notice to the department
9 4 of management, prior to the effective date of the
9 5 revision or reallocation of an appropriation made
9 6 pursuant to this section. The department shall not
9 7 reallocate an appropriation or allocation for the
9 8 purpose of eliminating any program.

9 9 Sec. 7. INTENT == REPORTS.

9 10 1. The department in cooperation with townships,
9 11 the Iowa cemetery associations, and other nonprofit
9 12 or governmental entities may use inmate labor during
9 13 the fiscal year beginning July 1, 2010, to restore or
9 14 preserve rural cemeteries and historical landmarks.
9 15 The department in cooperation with the counties may
9 16 also use inmate labor to clean up roads, major water
9 17 sources, and other water sources around the state.

9 18 2. Each month the department shall provide a
9 19 status report regarding private-sector employment to
9 20 the legislative services agency beginning on July 1,
9 21 2010. The report shall include the number of offenders
9 22 employed in the private sector, the combined number of
9 23 hours worked by the offenders, and the total amount of
9 24 allowances, and the distribution of allowances pursuant
9 25 to section 904.702, including any moneys deposited in
9 26 the general fund of the state.

9 27 Sec. 8. ELECTRONIC MONITORING REPORT. The
9 28 department of corrections shall submit a report on
9 29 electronic monitoring to the general assembly, to the
9 30 co-chairpersons and the ranking members of the joint
9 31 appropriations subcommittee on the justice system, and
9 32 to the legislative services agency by January 15, 2011.
9 33 The report shall specifically address the number of
9 34 persons being electronically monitored and break down
9 35 the number of persons being electronically monitored
9 36 by offense committed. The report shall also include a
9 37 comparison of any data from the prior fiscal year with
9 38 the current year.

9 39 Sec. 9. STATE AGENCY PURCHASES FROM PRISON
9 40 INDUSTRIES.

9 41 1. As used in this section, unless the context
9 42 otherwise requires, "state agency" means the government
9 43 of the state of Iowa, including but not limited to
9 44 all executive branch departments, agencies, boards,
9 45 bureaus, and commissions, the judicial branch,
9 46 the general assembly and all legislative agencies,
9 47 institutions within the purview of the state board of
9 48 regents, and any corporation whose primary function is
9 49 to act as an instrumentality of the state.

9 50 2. State agencies are hereby encouraged to purchase



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10 1 products from Iowa state industries, as defined in
 10 2 section 904.802, when purchases are required and the
 10 3 products are available from Iowa state industries.
 10 4 State agencies shall obtain bids from Iowa state
 10 5 industries for purchases of office furniture during the
 10 6 fiscal year beginning July 1, 2010, exceeding \$5,000
 10 7 or in accordance with applicable administrative rules
 10 8 related to purchases for the agency.

10 9 Sec. 10. STATE PUBLIC DEFENDER. There is
 10 10 appropriated from the general fund of the state to the
 10 11 office of the state public defender of the department
 10 12 of inspections and appeals for the fiscal year
 10 13 beginning July 1, 2010, and ending June 30, 2011, the
 10 14 following amounts, or so much thereof as is necessary,
 10 15 to be allocated as follows for the purposes designated:

10 16 1. For salaries, support, maintenance,	
10 17 miscellaneous purposes, and for not more than the	
10 18 following full-time equivalent positions:	
10 19	\$ 21,743,182
10 20	FTEs 203.00
10 21 2. For the fees of court-appointed attorneys for	
10 22 indigent adults and juveniles, in accordance with	
10 23 section 232.141 and chapter 815:	
10 24	\$ 15,680,929

10 25 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.
 10 26 1. There is appropriated from the general fund of
 10 27 the state to the Iowa law enforcement academy for the
 10 28 fiscal year beginning July 1, 2010, and ending June 30,
 10 29 2011, the following amount, or so much thereof as is
 10 30 necessary, to be used for the purposes designated:

10 31 For salaries, support, maintenance, miscellaneous	
10 32 purposes, including jailer training and technical	
10 33 assistance, and for not more than the following	
10 34 full-time equivalent positions:	
10 35	\$ 1,049,430
10 36	FTEs 30.55

10 37 It is the intent of the general assembly that the
 10 38 Iowa law enforcement academy may provide training of
 10 39 state and local law enforcement personnel concerning
 10 40 the recognition of and response to persons with
 10 41 Alzheimer's disease.

10 42 The Iowa law enforcement academy may temporarily
 10 43 exceed and draw more than the amount appropriated and
 10 44 incur a negative cash balance as long as there are
 10 45 receivables equal to or greater than the negative
 10 46 balance and the amount appropriated in this subsection
 10 47 is not exceeded at the close of the fiscal year.

10 48 2. The Iowa law enforcement academy may select
 10 49 at least five automobiles of the department of public
 10 50 safety, division of state patrol, prior to turning over



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11 1 the automobiles to the department of administrative
11 2 services to be disposed of by public auction, and
11 3 the Iowa law enforcement academy may exchange any
11 4 automobile owned by the academy for each automobile
11 5 selected if the selected automobile is used in training
11 6 law enforcement officers at the academy. However,
11 7 any automobile exchanged by the academy shall be
11 8 substituted for the selected vehicle of the department
11 9 of public safety and sold by public auction with the
11 10 receipts being deposited in the depreciation fund to
11 11 the credit of the department of public safety, division
11 12 of state patrol.

11 13 Sec. 12. BOARD OF PAROLE. There is appropriated
11 14 from the general fund of the state to the board of
11 15 parole for the fiscal year beginning July 1, 2010, and
11 16 ending June 30, 2011, the following amount, or so much
11 17 thereof as is necessary, to be used for the purposes
11 18 designated:

11 19 For salaries, support, maintenance, miscellaneous
11 20 purposes, and for not more than the following full-time
11 21 equivalent positions:

11 22	\$ 1,045,259
11 23	FTEs 13.50

11 24 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
11 25 appropriated from the general fund of the state to
11 26 the department of public defense for the fiscal year
11 27 beginning July 1, 2010, and ending June 30, 2011, the
11 28 following amounts, or so much thereof as is necessary,
11 29 to be used for the purposes designated:

11 30 1. MILITARY DIVISION

11 31 For salaries, support, maintenance, miscellaneous
11 32 purposes, and for not more than the following full-time
11 33 equivalent positions:

11 34	\$ 6,249,201
11 35	FTEs 324.00

11 36 The military division may temporarily exceed and
11 37 draw more than the amount appropriated and incur a
11 38 negative cash balance as long as there are receivables
11 39 of federal funds equal to or greater than the negative
11 40 balance and the amount appropriated in this subsection
11 41 is not exceeded at the close of the fiscal year.

11 42 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
11 43 DIVISION

11 44 For salaries, support, maintenance, miscellaneous
11 45 purposes, and for not more than the following full-time
11 46 equivalent positions:

11 47	\$ 2,038,119
11 48	FTEs 33.00

11 49 The homeland security and emergency management
11 50 division may temporarily exceed and draw more than the



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12 1 amount appropriated and incur a negative cash balance
12 2 as long as there are receivables of federal funds equal
12 3 to or greater than the negative balance and the amount
12 4 appropriated in this subsection is not exceeded at the
12 5 close of the fiscal year.

12 6 It is the intent of the general assembly that the
12 7 homeland security and emergency management division
12 8 work in conjunction with the department of public
12 9 safety, to the extent possible, when gathering and
12 10 analyzing information related to potential domestic
12 11 or foreign security threats, and when monitoring such
12 12 threats.

12 13 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
12 14 appropriated from the general fund of the state to
12 15 the department of public safety for the fiscal year
12 16 beginning July 1, 2010, and ending June 30, 2011, the
12 17 following amounts, or so much thereof as is necessary,
12 18 to be used for the purposes designated:

12 19 1. For the department's administrative functions,
12 20 including the criminal justice information system, and
12 21 for not more than the following full-time equivalent
12 22 positions:

12 23	\$ 4,134,461
12 24	FTEs 36.00

12 25 2. For the division of criminal investigation,
12 26 including the state's contribution to the peace
12 27 officers' retirement, accident, and disability system
12 28 provided in chapter 97A in the amount of the state's
12 29 normal contribution rate, as defined in section
12 30 97A.8, multiplied by the salaries for which the
12 31 funds are appropriated, to meet federal fund matching
12 32 requirements, and for not more than the following
12 33 full-time equivalent positions:

12 34	\$ 12,861,710
12 35	FTEs 162.10

12 36 If any of the Indian tribes fail to pay for 1.00 FTE
12 37 pursuant to the agreements or compacts entered into
12 38 between the state and the Indian tribes pursuant to
12 39 section 10A.104, subsection 10, the number of full-time
12 40 equivalent positions authorized under this subsection
12 41 is reduced by 1.00 FTE.

12 42 The department shall employ one additional special
12 43 agent and one additional criminalist for the purpose
12 44 of investigating cold cases. Prior to employing the
12 45 additional special agent and criminalist authorized
12 46 in this paragraph, the department shall provide a
12 47 written statement to prospective employees that states
12 48 to the effect that the positions are being funded by
12 49 a temporary federal grant and there are no assurances
12 50 that funds from other sources will be available after



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13 1 the federal funding expires. If the federal funding
 13 2 for the additional positions expires during the fiscal
 13 3 year, the number of full-time equivalent positions
 13 4 authorized in this subsection is reduced by 2.00 FTEs.
 13 5 The department of public safety, with the approval
 13 6 of the department of management, may employ no more
 13 7 than two special agents and four gaming enforcement
 13 8 officers for each additional riverboat or gambling
 13 9 structure regulated after July 1, 2010, and one
 13 10 special agent for each racing facility which becomes
 13 11 operational during the fiscal year which begins July
 13 12 1, 2010. One additional gaming enforcement officer,
 13 13 up to a total of four per riverboat or gambling
 13 14 structure, may be employed for each riverboat or
 13 15 gambling structure that has extended operations to 24
 13 16 hours and has not previously operated with a 24-hour
 13 17 schedule. Positions authorized in this paragraph are
 13 18 in addition to the full-time equivalent positions
 13 19 otherwise authorized in this subsection.

13 20 3. For the criminalistics laboratory fund created
 13 21 in section 691.9:
 13 22 \$ 302,345

13 23 4. a. For the division of narcotics enforcement,
 13 24 including the state's contribution to the peace
 13 25 officers' retirement, accident, and disability system
 13 26 provided in chapter 97A in the amount of the state's
 13 27 normal contribution rate, as defined in section
 13 28 97A.8, multiplied by the salaries for which the
 13 29 funds are appropriated, to meet federal fund matching
 13 30 requirements, and for not more than the following
 13 31 full-time equivalent positions:
 13 32 \$ 6,507,048
 13 33 FTEs 75.00

13 34 b. For the division of narcotics enforcement for
 13 35 undercover purchases:
 13 36 \$ 109,042

13 37 5. For the division of state fire marshal, for fire
 13 38 protection services as provided through the state fire
 13 39 service and emergency response council as created in
 13 40 the department, and for the state's contribution to the
 13 41 peace officers' retirement, accident, and disability
 13 42 system provided in chapter 97A in the amount of the
 13 43 state's normal contribution rate, as defined in section
 13 44 97A.8, multiplied by the salaries for which the funds
 13 45 are appropriated, and for not more than the following
 13 46 full-time equivalent positions:
 13 47 \$ 4,343,896
 13 48 FTEs 57.00

13 49 6. For the division of state patrol, for salaries,
 13 50 support, maintenance, workers' compensation costs,



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14 1 and miscellaneous purposes, including the state's
 14 2 contribution to the peace officers' retirement,
 14 3 accident, and disability system provided in chapter 97A
 14 4 in the amount of the state's normal contribution rate,
 14 5 as defined in section 97A.8, multiplied by the salaries
 14 6 for which the funds are appropriated, and for not more
 14 7 than the following full-time equivalent positions:
 14 8 \$ 48,984,147
 14 9 FTEs 503.00

14 10 It is the intent of the general assembly that
 14 11 members of the state patrol be assigned to patrol
 14 12 the highways and roads in lieu of assignments for
 14 13 inspecting school buses for the school districts.

14 14 7. For deposit in the sick leave benefits fund
 14 15 established under section 80.42 for all departmental
 14 16 employees eligible to receive benefits for accrued sick
 14 17 leave under the collective bargaining agreement:
 14 18 \$ 279,517

14 19 8. For costs associated with the training and
 14 20 equipment needs of volunteer fire fighters:
 14 21 \$ 612,255

14 22 Notwithstanding section 8.33, moneys appropriated in
 14 23 this subsection that remain unencumbered or unobligated
 14 24 at the close of the fiscal year shall not revert but
 14 25 shall remain available for expenditure only for the
 14 26 purpose designated in this subsection until the close
 14 27 of the succeeding fiscal year.

14 28 Notwithstanding section 8.39, within the moneys
 14 29 appropriated in this section the department of public
 14 30 safety may reallocate moneys as necessary to best
 14 31 fulfill the needs provided for in the appropriation.
 14 32 However, the department shall not reallocate an
 14 33 appropriation made to the department in this section
 14 34 unless notice of the reallocation is given to the
 14 35 legislative services agency and the department
 14 36 of management prior to the effective date of the
 14 37 reallocation. The notice shall include information
 14 38 about the rationale for reallocating the appropriation.
 14 39 The department shall not reallocate an appropriation
 14 40 made in this section for the purpose of eliminating any
 14 41 program.

14 42 Sec. 15. GAMING ENFORCEMENT. There is appropriated
 14 43 from the gaming enforcement revolving fund created in
 14 44 section 80.43 to the department of public safety for
 14 45 the fiscal year beginning July 1, 2010, and ending June
 14 46 30, 2011, the following amount, or so much thereof as
 14 47 is necessary, to be used for the purposes designated:
 14 48 For any direct and indirect support costs for
 14 49 agents and officers of the division of criminal
 14 50 investigation's excursion gambling boat, gambling



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15 1 structure, and racetrack enclosure enforcement
 15 2 activities, including salaries, support, maintenance,
 15 3 miscellaneous purposes, and for not more than the
 15 4 following full-time equivalent positions:
 15 5 \$ 8,851,775
 15 6 FTEs 115.00

15 7 However, for each additional license to conduct
 15 8 gambling games on an excursion gambling boat, gambling
 15 9 structure, or racetrack enclosure issued during the
 15 10 period beginning July 1, 2009, through June 30, 2011,
 15 11 there is appropriated from the gaming enforcement fund
 15 12 to the department of public safety for the fiscal year
 15 13 beginning July 1, 2010, and ending June 30, 2011, an
 15 14 additional amount of not more than \$521,000 to be used
 15 15 for not more than 6.00 additional full-time equivalent
 15 16 positions.

15 17 Sec. 16. CIVIL RIGHTS COMMISSION. There is
 15 18 appropriated from the general fund of the state to the
 15 19 Iowa state civil rights commission for the fiscal year
 15 20 beginning July 1, 2010, and ending June 30, 2011, the
 15 21 following amount, or so much thereof as is necessary,
 15 22 to be used for the purposes designated:

15 23 For salaries, support, maintenance, miscellaneous
 15 24 purposes, and for not more than the following full-time
 15 25 equivalent positions:
 15 26 \$ 1,379,861
 15 27 FTEs 29.50

15 28 The Iowa state civil rights commission may enter
 15 29 into a contract with a nonprofit organization to
 15 30 provide legal assistance to resolve civil rights
 15 31 complaints.

15 32 Sec. 17. EFFECTIVE UPON ENACTMENT. The provision
 15 33 of this division of this Act eliminating the chief
 15 34 security officer position within the department of
 15 35 corrections, being deemed of immediate importance,
 15 36 takes effect upon enactment.

DIVISION II

COURT COSTS == FINES

15 39 Sec. 18. Section 602.8106, subsection 1, paragraphs
 15 40 a, b, d, and e, Code Supplement 2009, are amended to
 15 41 read as follows:

15 42 a. Except as otherwise provided in paragraphs "b"
 15 43 and "c", for filing and docketing a criminal case to
 15 44 be paid by the county or city which has the duty to
 15 45 prosecute the criminal action, payable as provided
 15 46 in section 602.8109, one hundred twenty dollars.
 15 47 When judgment is rendered against the defendant,
 15 48 costs collected from the defendant shall be paid to
 15 49 the county or city which has the duty to prosecute
 15 50 the criminal action to the extent necessary for



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16 1 reimbursement for fees paid. However, the fees which
16 2 are payable by the county to the clerk of the district
16 3 court for services rendered in criminal actions
16 4 prosecuted under state law and the court costs taxed in
16 5 connection with the trial of those actions or appeals
16 6 from the judgments in those actions are waived.

16 7 b. For filing and docketing of a complaint or
16 8 information for a simple misdemeanor and a complaint or
16 9 information for a nonscheduled simple misdemeanor under
16 10 chapter 321, ~~sixty~~ seventy dollars.

16 11 d. The court costs in scheduled violation cases
16 12 where a court appearance is required, ~~sixty~~
16 13 seventy dollars.

16 14 e. For court costs in scheduled violation cases
16 15 where a court appearance is not required, ~~sixty~~
16 16 seventy dollars.

16 17 Sec. 19. Section 805.8A, Code Supplement 2009, is
16 18 amended to read as follows:

16 19 805.8A Motor vehicle and transportation scheduled
16 20 violations.

16 21 1. Parking violations.

16 22 a. For parking violations under sections 321.236,
16 23 321.239, 321.358, 321.360, and 321.361, the scheduled
16 24 fine is five dollars, except if the local authority has
16 25 established the fine by ordinance. The scheduled fine
16 26 for a parking violation pursuant to section 321.236
16 27 increases by five dollars, if authorized by ordinance
16 28 and if the parking violation is not paid within thirty
16 29 days of the date upon which the violation occurred.
16 30 For purposes of calculating the unsecured appearance
16 31 bond required under section 805.6, the scheduled fine
16 32 shall be five dollars, or if the amount of the fine is
16 33 greater than five dollars, the unsecured appearance
16 34 bond shall be the amount of the fine established by
16 35 the local authority. However, violations charged
16 36 by a city or county upon simple notice of a fine
16 37 instead of a uniform citation and complaint required
16 38 by section 321.236, subsection 1, paragraph "b", are
16 39 not scheduled violations, and this section shall not
16 40 apply to any offense charged in that manner. For a
16 41 parking violation under section ~~321.362~~ or 461A.38, the
16 42 scheduled fine is ten dollars. For parking violations
16 43 under section 321.362, the scheduled fine is twenty
16 44 dollars.

16 45 b. For a parking violation under section 321L.2A,
16 46 subsection 2, the scheduled fine is twenty dollars.

16 47 c. For violations under section 321L.2A, subsection
16 48 3, sections 321L.3, 321L.4, subsection 2, and section
16 49 321L.7, the scheduled fine is one hundred ten dollars.

16 50 2. Title or registration violations.



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- 17 1 a. For violations under sections 321.32, 321.34,
17 2 321.37, 321.38, and 321.41, the scheduled fine is
17 3 ~~ten~~ twenty dollars.
- 17 4 b.(1) For violations under sections 321.115 and
17 5 321.115A, the scheduled fine is thirty dollars.
- 17 6 (2) For violations under sections 321.17, 321.47,
17 7 321.55, and 321.98, ~~321.115, and 321.115A,~~ the
17 8 scheduled fine is ~~thirty~~ forty dollars.
- 17 9 c. For violations under sections 321.25, 321.45,
17 10 321.46, 321.48, 321.52, 321.57, 321.62, 321.67, and
17 11 321.104, the scheduled fine is ~~fifty~~ sixty dollars.
- 17 12 d. For a violation under section 321.99, the
17 13 scheduled fine is one hundred ten dollars.
- 17 14 3. Equipment violations.
- 17 15 a. For violations under sections 321.317,
17 16 321.386, 321.387, 321.388, 321.389, 321.390, 321.392,
17 17 321.393, 321.422, 321.432, 321.436, 321.439, 321.440,
17 18 321.441, 321.442, and 321.444, the scheduled fine is
17 19 ~~ten~~ twenty dollars.
- 17 20 b. For improperly used or nonused, or defective or
17 21 improper equipment, other than brakes, driving lights
17 22 and brake lights, under section 321.437, the scheduled
17 23 fine is ~~ten~~ twenty dollars.
- 17 24 c. For violations under sections 321.382, and
17 25 ~~321.404A, and 321.438,~~ the scheduled fine is
17 26 ~~fifteen~~ twenty-five dollars.
- 17 27 d. For violations of sections 321.383, 321.384,
17 28 321.385, 321.398, 321.402, 321.403, 321.404, 321.409,
17 29 321.415, 321.419, 321.420, 321.421, 321.423, and
17 30 321.433, the scheduled fine is ~~twenty~~ thirty dollars.
- 17 31 e. For a violation of section 321.430, the
17 32 scheduled fine is ~~thirty-five~~ forty-five dollars.
- 17 33 f.(1) For violations under section 321.234A and
17 34 321.438, the scheduled fine is fifty dollars.
- 17 35 (2) For violations under sections
17 36 ~~321.234A,~~ 321.247, 321.381, and 321.381A, the scheduled
17 37 fine is ~~fifty~~ sixty dollars.
- 17 38 4. Driver's license violations.
- 17 39 a. For violations under sections 321.174A, 321.180,
17 40 321.180B, 321.193, and 321.194, the scheduled fine is
17 41 ~~thirty~~ forty dollars.
- 17 42 b. For a violation of section 321.216, the
17 43 scheduled fine is ~~seventy-five~~ eighty-five dollars.
- 17 44 c. For violations under sections 321.174, 321.216B,
17 45 321.216C, 321.219, and 321.220, the scheduled fine is
17 46 one hundred ten dollars.
- 17 47 5. Speed violations.
- 17 48 a. For excessive speed violations in excess of the
17 49 limit under section 321.236, subsections 5 and 11,
17 50 sections 321.285, and 461A.36, the scheduled fine shall



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18 1 be the following:

18 2 (1) ~~Ten~~ Twenty dollars for speed not more than five
18 3 miles per hour in excess of the limit.

18 4 (2) ~~Twenty~~ Forty dollars for speed greater than
18 5 five but not more than ten miles per hour in excess of
18 6 the limit.

18 7 (3) ~~Thirty~~ Fifty dollars for speed greater than ten
18 8 but not more than fifteen miles per hour in excess of
18 9 the limit.

18 10 (4) ~~Forty~~ Sixty dollars for speed greater than
18 11 fifteen but not more than twenty miles per hour in
18 12 excess of the limit.

18 13 (5) ~~Forty~~ Sixty dollars plus two dollars for each
18 14 mile per hour of excessive speed over twenty miles per
18 15 hour over the limit.

18 16 b. Notwithstanding paragraph "a", for excessive
18 17 speed violations in speed zones greater than fifty=five
18 18 miles per hour, the scheduled fine shall be:

18 19 (1) ~~Twenty~~ Thirty dollars for speed not more than
18 20 five miles per hour in excess of the limit.

18 21 (2) ~~Forty~~ Sixty dollars for speed greater than five
18 22 but not more than ten miles per hour in excess of the
18 23 limit.

18 24 (3) ~~Sixty~~ Eighty dollars for speed greater than ten
18 25 but not more than fifteen miles per hour in excess of
18 26 the limit.

18 27 (4) ~~Eighty~~ One hundred dollars for speed greater
18 28 than fifteen but not more than twenty miles per hour in
18 29 excess of the limit.

18 30 (5) ~~Ninety~~ One hundred ten dollars plus five
18 31 dollars for each mile per hour of excessive speed over
18 32 twenty miles per hour over the limit.

18 33 c. Excessive speed in whatever amount by a school
18 34 bus is not a scheduled violation under any section
18 35 listed in this subsection.

18 36 d. Excessive speed in conjunction with a violation
18 37 of section 321.278 is not a scheduled violation,
18 38 whatever the amount of excess speed.

18 39 e. For a violation under section 321.295, the
18 40 scheduled fine is ~~thirty~~ forty dollars.

18 41 6. Operating violations.

18 42 a. For a violation under section 321.236,
18 43 subsections 3, 4, 9, and 12, the scheduled fine is
18 44 twenty dollars.

18 45 b. For violations under section 321.275,
18 46 subsections 1 through 7, sections ~~321.277A~~, 321.315,
18 47 321.316, 321.318, 321.363, and 321.365, the scheduled
18 48 fine is ~~twenty=five~~ thirty=five dollars.

18 49 c. (1) For violations under sections ~~321.288~~,
~~18 50 321.297, 321.299, 321.303, 321.304, subsections~~



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~~19 1 1 and 2, sections 321.305, 321.306, 321.311,
19 2 321.312, 321.314, 321.323, 321.340, 321.353,
19 3 321.354, and 321.395, the scheduled fine is
19 4 ~~thirty-five~~ forty-five dollars.
19 5 (2) For violations under sections 321.277A,
19 6 321.297, 321.299, 321.303, 321.304, subsections 1 and
19 7 2, 321.305, 321.312, and 321.320, the scheduled fine is
19 8 ~~seventy-five~~ dollars.
19 9 (3) For violations under section 321.288, the
19 10 scheduled fine is one hundred dollars.
19 11 d. For violations under sections 321.302 and
19 12 321.366, the scheduled fine is ~~fifty~~ sixty dollars.
19 13 7. Failure to yield or obey violations.
19 14 a. For a violation by an operator of a motor
19 15 vehicle under section 321.257, subsection 2, the
19 16 ~~scheduled fine is thirty-five~~ dollars.
19 17 ~~b.~~ a. For violations under sections
19 18 ~~321.298,~~ 321.307, 321.308, 321.313, 321.319, ~~321.320,~~
19 19 ~~321.321,~~ 321.327, 321.329, and 321.333, the scheduled
19 20 fine is ~~thirty-five~~ forty-five dollars.
19 21 b. For a violation under section 321.321, the
19 22 scheduled fine is fifty dollars.
19 23 c. For violations under sections 321.298 and
19 24 321.320, the scheduled fine is ~~seventy-five~~ dollars.
19 25 d. For a violation by an operator of a motor
19 26 vehicle under section 321.257, subsection 2, the
19 27 scheduled fine is ~~seventy-five~~ dollars.
19 28 8. Traffic sign or signal violations.
19 29 a. For violations under section 321.236,
19 30 subsections 2 and 6, ~~sections 321.256, 321.294,~~
19 31 ~~321.304, subsection 3, and section 321.322,~~ the
19 32 scheduled fine is ~~thirty-five~~ dollars.
19 33 b. For a violation under section 321.294, the
19 34 scheduled fine is ~~forty-five~~ dollars.
19 35 c. For violations of sections 321.256, 321.304,
19 36 subsection 3, and 321.322, the scheduled fine is
19 37 ~~seventy-five~~ dollars.
19 38 9. Bicycle or pedestrian violations.
19 39 a. For violations by a pedestrian or a bicyclist
19 40 under ~~section 321.234, subsections 3 and 4, section~~
19 41 ~~321.236, subsection 10, section 321.257, subsection~~
19 42 ~~2, section 321.275, subsection 8, section 321.325,~~
19 43 ~~321.326, 321.328, 321.331, 321.332, 321.397, or and~~
19 44 ~~section 321.434,~~ the scheduled fine is fifteen dollars.
19 45 b. For violations by a pedestrian or bicyclist
19 46 under section 321.234, subsections 3 and 4, section
19 47 321.257, subsection 2, section 321.275, subsection
19 48 8, and sections 321.325, 321.326, 321.328, 321.331,
19 49 321.332, and 321.397, the scheduled fine is ~~twenty-five~~
19 50 dollars.~~



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20 1 9A. Electric personal assistive mobility device
20 2 violations. For violations under section 321.235A, the
20 3 scheduled fine is fifteen dollars.
20 4 10. School bus violations.
20 5 a. For violations by an operator of a
20 6 school bus under sections 321.285 and 321.372,
20 7 subsections 1 and 2, the scheduled fine is
20 8 ~~thirty-five~~ forty-five dollars. However, an excessive
20 9 speed violation by a school bus of more than ten miles
20 10 per hour in excess of the limit is not a scheduled
20 11 violation.
20 12 b. For a violation under section 321.372,
20 13 subsection 3, the scheduled fine is one hundred
20 14 ten dollars.
20 15 11. Emergency vehicle violations.
20 16 a. For violations under sections 321.231,
20 17 321.367, and 321.368, the scheduled fine is
20 18 ~~thirty-five~~ forty-five dollars.
20 19 b. For a violation under section 321.323A or
20 20 321.324, the scheduled fine is ~~fifty~~ sixty dollars.
20 21 12. Restrictions on vehicles.
20 22 a. For violations under sections 321.309, 321.310,
20 23 321.394, 321.461, and 321.462, the scheduled fine is
20 24 ~~twenty-five~~ thirty-five dollars.
20 25 b. For violations under section 321.437, the
20 26 scheduled fine is ~~twenty-five~~ thirty-five dollars.
20 27 c. For height, length, width, and load violations
20 28 under sections 321.454, 321.455, 321.456, 321.457, and
20 29 321.458, the scheduled fine is one hundred ten dollars.
20 30 d. For violations under section 321.466, the
20 31 scheduled fine is twenty dollars for each two thousand
20 32 pounds or fraction thereof of overweight.
20 33 e. (1) Violations of the schedule of axle
20 34 and tandem axle and gross or group of axle weight
20 35 violations in section 321.463 shall be scheduled
20 36 violations subject to the provisions, procedures, and
20 37 exceptions contained in sections 805.6 through 805.11,
20 38 irrespective of the amount of the fine under that
20 39 schedule.
20 40 (a) Violations of the schedule of weight violations
20 41 shall be chargeable, where the fine charged does not
20 42 exceed one thousand dollars, only by uniform citation
20 43 and complaint.
20 44 (b) Violations of the schedule of weight
20 45 violations, where the fine charged exceeds one
20 46 thousand dollars shall, when the violation is
20 47 admitted and section 805.9 applies, be chargeable
20 48 upon uniform citation and complaint, indictment, or
20 49 county attorney's information, but otherwise shall be
20 50 chargeable only upon indictment or county attorney's



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21 1 information.

21 2 (2) In all cases of charges under the schedule of

21 3 weight violations, the charge shall specify the amount

21 4 of fine charged under the schedule. Where a defendant

21 5 is convicted and the fine under the foregoing schedule

21 6 of weight violations exceeds one thousand dollars, the

21 7 conviction shall be of an indictable offense although

21 8 section 805.9 is employed and whether the violation

21 9 is charged upon uniform citation and complaint,

21 10 indictment, or county attorney's information.

21 11 f. For a violation under section 321E.16, other

21 12 than the provisions relating to weight, the scheduled

21 13 fine is one hundred ten dollars.

21 14 13. Motor carrier violations.

21 15 a. (1) For violations under sections

21 16 ~~321.54~~, 326.22, and 326.23, the scheduled fine

21 17 is twenty dollars.

21 18 (2) For a violation under section 321.54, the

21 19 scheduled fine is thirty dollars.

21 20 b. For a violation under section 321.449, the

21 21 scheduled fine is ~~twenty-five~~ fifty dollars.

21 22 c. (1) For violations under sections 321.364,

21 23 ~~321.450, 321.460~~, and 452A.52, the scheduled fine is

21 24 one hundred dollars.

21 25 (2) For violations under sections 321.450 and

21 26 321.460, the scheduled fine is one hundred ten dollars.

21 27 d. For violations of section 325A.3, subsection

21 28 5, or section 325A.8, the scheduled fine is

21 29 ~~fifty~~ sixty dollars.

21 30 e. For violations of chapter 325A, other than a

21 31 violation of section 325A.3, subsection 5, or section

21 32 325A.8, the scheduled fine is two hundred fifty

21 33 dollars.

21 34 f. For failure to have proper carrier

21 35 identification markings under section 327B.1, the

21 36 scheduled fine is ~~fifty~~ sixty dollars.

21 37 g. For failure to have proper evidence of

21 38 interstate authority carried or displayed under section

21 39 327B.1, and for failure to register, carry, or display

21 40 evidence that interstate authority is not required

21 41 under section 327B.1, the scheduled fine is two hundred

21 42 ~~fifty~~ sixty dollars.

21 43 14. Miscellaneous violations.

21 44 a. Failure to obey a peace officer. For a

21 45 violation under section 321.229, the scheduled fine is

21 46 ~~thirty-five~~ forty-five dollars.

21 47 b. Abandoning a motor vehicle. For a violation

21 48 under section 321.91, the scheduled fine is one hundred

21 49 ten dollars.

21 50 c. Seat belt or restraint violations. For



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22 1 violations under sections 321.445 and 321.446, the
22 2 scheduled fine is ~~twenty=five~~ seventy=five dollars.
22 3 d. Litter and debris violations. For violations
22 4 under sections 321.369 and 321.370, the scheduled fine
22 5 is ~~seventy~~ eighty dollars.
22 6 e. Open container violations. For violations under
22 7 sections 321.284 and 321.284A, the scheduled fine is
22 8 one hundred fifty dollars.
22 9 f. Proof of financial responsibility. If, in
22 10 connection with a motor vehicle accident, a person is
22 11 charged and found guilty of a violation of section
22 12 321.20B, subsection 1, the scheduled fine is five
22 13 hundred dollars; otherwise, the scheduled fine for
22 14 a violation of section 321.20B, subsection 1, is
22 15 two hundred fifty dollars. Notwithstanding section
22 16 805.12, fines collected pursuant to this paragraph
22 17 shall be submitted to the state court administrator and
22 18 distributed fifty percent to the victim compensation
22 19 fund established in section 915.94, ~~twenty=five~~ percent
22 20 to the county in which such fine is imposed, and
22 21 ~~twenty=five~~ percent to the general fund of the state.
22 22 g. Radar=jamming devices. For a violation
22 23 under section 321.232, the scheduled fine is
22 24 ~~fifty~~ sixty dollars.
22 25 h. Railroad crossing violations.
22 26 (1) For violations under sections 321.341, 321.342,
22 27 321.343, and 321.344, the scheduled fine is one hundred
22 28 ten dollars.
22 29 (2) For a violation under section 321.344B, the
22 30 scheduled fine is two hundred dollars.
22 31 i. Road work zone violations. The scheduled fine
22 32 for any moving traffic violation under chapter 321,
22 33 as provided in this section, shall be doubled if the
22 34 violation occurs within any road work zone, as defined
22 35 in section 321.1. However, notwithstanding subsection
22 36 5, the scheduled fine for violating the speed limit in
22 37 a road work zone is as follows:
22 38 (1) One hundred fifty dollars for speed not more
22 39 than ten miles per hour over the posted speed limit.
22 40 (2) Three hundred dollars for speed greater than
22 41 ten but not more than twenty miles per hour over the
22 42 posted speed limit.
22 43 (3) Five hundred dollars for speed greater than
22 44 twenty but not more than ~~twenty=five~~ miles per hour
22 45 over the posted speed limit.
22 46 (4) One thousand dollars for speed greater than
22 47 ~~twenty=five~~ miles per hour over the posted speed limit.
22 48 j. Vehicle component parts records violations. For
22 49 violations under section 321.95, the scheduled fine is
22 50 fifty dollars.



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23 1 Sec. 20. Section 805.8C, subsection 6, paragraph a,
23 2 Code Supplement 2009, is amended to read as follows:
23 3 a. If the violation is a first offense, the
23 4 scheduled fine is one hundred ten dollars.

23 5 DIVISION III

23 6 PUBLIC SAFETY ENFORCEMENT FUND

23 7 Sec. 21. PUBLIC SAFETY ENFORCEMENT FUND ESTABLISHED
23 8 == TEMPORARY ALLOCATION OF FINES AND FEES.

23 9 1. A public safety enforcement fund is created in
23 10 the state treasury under the control of the treasurer
23 11 of state. Notwithstanding section 602.8108, the state
23 12 court administrator shall allocate to the treasurer
23 13 of state for deposit in the public safety enforcement
23 14 fund the first eight million eight hundred thousand
23 15 dollars of the moneys received under section 602.8108,
23 16 subsection 2, during the fiscal year beginning July 1,
23 17 2010, and ending June 30, 2011. Moneys deposited into
23 18 the fund are appropriated to the treasurer of state for
23 19 allocation as provided in subsection 2.

23 20 2. The treasurer of state shall allocate to the
23 21 following entities the following amounts from the
23 22 public safety enforcement fund for the fiscal year
23 23 beginning July 1, 2010, and ending June 30, 2011:

23 24 a. To the department of corrections, \$502,810 and
23 25 of the amount allocated in this paragraph, \$402,810
23 26 shall be allocated by the department of corrections
23 27 to the sixth judicial district of department of
23 28 correctional services, and \$100,000 shall be
23 29 allocated to the first judicial district department of
23 30 correctional services.

23 31 b. To the department of corrections, \$2,497,190 and
23 32 of the amount allocated in this paragraph, \$1,451,000
23 33 shall be allocated by the department of corrections
23 34 for the operation of the Fort Madison correctional
23 35 facility, \$846,190 shall be allocated for the operation
23 36 of the Luster Heights facility, and \$200,000 shall be
23 37 allocated for the operation of the Anamosa correctional
23 38 facility.

23 39 c. To the department of public safety, \$150,000 for
23 40 costs associated with the training and equipment needs
23 41 of volunteer fire fighters.

23 42 d. To the department of public safety, \$250,000.

23 43 e. To the Iowa civil rights commission, \$100,000.

23 44 f. To the judicial branch, \$5,300,000.

23 45 3. Moneys remaining in the fund at or after the
23 46 close of the fiscal year shall revert to the general
23 47 fund of the state.

23 48 4. This section is repealed June 30, 2011.

23 49 DIVISION IV

23 50 GAMING ENFORCEMENT FUND AND MISCELLANEOUS PROVISIONS



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24 1 Sec. 22. 2010 Iowa Acts, Senate File 2088, section
24 2 62, is amended to read as follows:
24 3 SEC. 62. COMMUNITY=BASED CORRECTIONS == STATE
24 4 ~~ACCOUNTING~~ BUDGETING SYSTEM. Each judicial district
24 5 department of correctional services shall utilize the
24 6 state ~~accounting~~ budgeting system for purposes of
24 7 tracking both appropriations and expenditures. Each
24 8 judicial district department shall coordinate its
24 9 ~~accounting~~ budgeting activities with the department
24 10 of management for purposes of implementing the
24 11 requirements of this section.
24 12 Sec. 23. Section 8A.302, subsection 1, as amended
24 13 by 2010 Iowa Acts, Senate File 2088, section 71, is
24 14 amended to read as follows:
24 15 1. Providing a system of uniform standards and
24 16 specifications for purchasing. When the system is
24 17 developed, all items of general use shall be purchased
24 18 by state agencies through the department, except items
24 19 provided for under section 904.808 or items used by
24 20 the state board of regents and institutions under
24 21 the control of the state board of regents. However,
24 22 the department may authorize the department of
24 23 transportation, the department for the blind, and
24 24 any other agencies otherwise exempted by law from
24 25 centralized purchasing, to directly purchase items used
24 26 by those agencies without going through the department,
24 27 if the department of administrative services determines
24 28 such purchasing is in the best interests of the state.
24 29 However, items of general use may be purchased through
24 30 the department by any governmental entity.
24 31 Sec. 24. NEW SECTION. 80.43 Gaming enforcement ==
24 32 revolving fund.
24 33 1. A gaming enforcement revolving fund is created
24 34 in the state treasury under the control of the
24 35 department. The fund shall consist of fees collected
24 36 and deposited into the fund paid by licensees pursuant
24 37 to section 99D.14, subsection 2, paragraph "b", and
24 38 fees paid by licensees pursuant to section 99F.10,
24 39 subsection 4, paragraph "b". All costs for agents and
24 40 officers plus any direct and indirect support costs for
24 41 such agents and officers of the division of criminal
24 42 investigation's racetrack, excursion boat, or gambling
24 43 structure enforcement activities shall be paid from
24 44 the fund as provided in appropriations made for this
24 45 purpose by the general assembly.
24 46 2. To meet the department's cash flow needs, the
24 47 department may temporarily use funds from the general
24 48 fund of the state to pay expenses in excess of moneys
24 49 available in the revolving fund if those additional
24 50 expenditures are fully reimbursable and the department



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25 1 reimburses the general fund of the state and ensures
25 2 all moneys are repaid in full by the close of the
25 3 fiscal year. Because any general fund moneys used
25 4 shall be fully reimbursed, such temporary use of funds
25 5 from the general fund of the state shall not constitute
25 6 an appropriation for purposes of calculating the state
25 7 general fund expenditure limitation pursuant to section
25 8 8.54.

25 9 3. Section 8.33 does not apply to any moneys
25 10 credited or appropriated to the revolving fund from
25 11 any other fund and, notwithstanding section 12C.7,
25 12 subsection 2, earnings or interest on moneys deposited
25 13 in the revolving fund shall be credited to the
25 14 revolving fund.

25 15 Sec. 25. Section 99D.14, subsection 2, Code 2009,
25 16 is amended to read as follows:

25 17 2. a. A licensee shall pay a regulatory fee to be
25 18 charged as provided in this section. In determining
25 19 the regulatory fee to be charged as provided under
25 20 this section, the commission shall use the amount
25 21 appropriated to the commission plus the cost of
25 22 salaries for no more than two special agents for
25 23 each racetrack that has not been issued a table games
25 24 license under chapter 99F or no more than three special
25 25 agents for each racetrack that has been issued a table
25 26 games license under chapter 99F, plus any direct and
25 27 indirect support costs for the agents, for the division
25 28 of criminal investigation's racetrack activities, as
25 29 the basis for determining the amount of revenue to be
25 30 raised from the regulatory fee.

25 31 b. Notwithstanding sections 8.60 and 99D.17,
25 32 the portion of the fee paid pursuant to paragraph
25 33 "a" relating to the costs of special agents plus any
25 34 direct and indirect support costs for the agents, for
25 35 the division of criminal investigation's racetrack
25 36 activities, shall not be deposited in the general
25 37 fund of the state but instead shall be deposited into
25 38 the gaming enforcement revolving fund established in
25 39 section 80.43.

25 40 Sec. 26. Section 99F.10, subsection 4, Code 2009,
25 41 is amended to read as follows:

25 42 4. a. In determining the license fees and state
25 43 regulatory fees to be charged as provided under section
25 44 99F.4 and this section, the commission shall use as
25 45 the basis for determining the amount of revenue to be
25 46 raised from the license fees and regulatory fees the
25 47 amount appropriated to the commission plus the cost of
25 48 salaries for no more than two special agents for each
25 49 excursion gambling boat or gambling structure and no
25 50 more than four gaming enforcement officers for each



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26 1 excursion gambling boat or gambling structure with a
26 2 patron capacity of less than two thousand persons or
26 3 no more than five gaming enforcement officers for each
26 4 excursion gambling boat or gambling structure with
26 5 a patron capacity of at least two thousand persons,
26 6 plus any direct and indirect support costs for the
26 7 agents and officers, for the division of criminal
26 8 investigation's excursion gambling boat or gambling
26 9 structure activities.

26 10 b. Notwithstanding sections 8.60 and 99F.4,
26 11 the portion of the fee paid pursuant to paragraph
26 12 "a" relating to the costs of special agents and
26 13 officers plus any direct and indirect support costs
26 14 for the agents and officers, for the division of
26 15 criminal investigation's excursion gambling boat or
26 16 gambling structure activities, shall not be deposited
26 17 in the general fund of the state but instead shall be
26 18 deposited into the gaming enforcement revolving fund
26 19 established in section 80.43.

26 20 Sec. 27. Section 809A.17, subsection 5, Code 2009,
26 21 is amended by adding the following new paragraph:

26 22 NEW PARAGRAPH. e. If the forfeited property is
26 23 cash or proceeds from the sale of real property the
26 24 distribution of the forfeited property shall be as
26 25 follows:

26 26 (1) The department of justice shall not retain more
26 27 than ten percent of the gross sale of any forfeited
26 28 real property. The balance of the proceeds shall be
26 29 distributed to the seizing agency for use by the agency
26 30 or for division among law enforcement agencies and
26 31 county attorneys pursuant to any agreement entered into
26 32 by the seizing agency.

26 33 (2) The department of justice shall not retain more
26 34 than ten percent of any forfeited cash. The balance
26 35 shall be distributed to the seizing agency for use
26 36 by the agency or for division among law enforcement
26 37 agencies and county attorneys pursuant to any agreement
26 38 entered into by the seizing agency.

26 39 (3) In the event of a cash forfeiture in excess
26 40 of four hundred thousand dollars the distribution of
26 41 forfeited cash shall be as follows:

26 42 (a) Forty-five percent shall be retained by the
26 43 seizing agency.

26 44 (b) Forty-five percent shall be distributed to
26 45 other law enforcement agencies within the region of the
26 46 seizing agency.

26 47 (c) Ten percent shall be retained by the department
26 48 of justice.

26 49 Sec. 28. Section 904.315, subsection 2, Code
26 50 Supplement 2009, is amended to read as follows:



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27 1 2. A contract is not required for improvements at
27 2 a state institution where the labor of inmates is to
27 3 be used if the contract is not for a construction,
27 4 reconstruction, demolition, or repair project or
27 5 improvement with an estimated cost in excess of
27 6 ~~fifty~~ one hundred thousand dollars.
27 7 Sec. 29. Section 904A.4B, Code 2009, is amended to
27 8 read as follows:
27 9 904A.4B Executive director of the board of parole ==
27 10 duties.
27 11 1. The chief administrative officer of the board
27 12 of parole shall be the executive director, except as
27 13 provided in subsection 2. The executive director
27 14 shall be appointed by the chairperson, subject to the
27 15 approval of the board and shall serve at the pleasure
27 16 of the board. The executive director shall do all of
27 17 the following:
27 18 ~~1-~~ a. Advise the board on matters relating to
27 19 parole, work release, and executive clemency, and
27 20 advise the board on matters involving automation and
27 21 word processing.
27 22 ~~2-~~ b. Carry out all directives of the board.
27 23 ~~3-~~ c. Hire and supervise all of the board's staff
27 24 pursuant to the provisions of chapter 8A, subchapter
27 25 IV.
27 26 ~~4-~~ d. Act as the board's liaison with the general
27 27 assembly.
27 28 ~~5-~~ e. Prepare a budget for the board, subject
27 29 to the approval of the board, and prepare all other
27 30 reports required by law.
27 31 ~~6-~~ f. Develop long-range parole and work release
27 32 planning, in cooperation with the department of
27 33 corrections.
27 34 2. If an executive director is not appointed
27 35 as provided in subsection 1, the chairperson shall
27 36 serve as acting executive director and perform the
27 37 administrative duties under subsection 1.
27 38 Sec. 30. IOWA COMMUNICATIONS NETWORK. It is the
27 39 intent of the general assembly that the executive
27 40 branch agencies receiving an appropriation in this Act
27 41 utilize the Iowa communications network or secure other
27 42 electronic communications in lieu of traveling for the
27 43 fiscal year addressed by the appropriations.
27 44 Sec. 31. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
27 45 DIVISION. There is appropriated from the wireless
27 46 E911 emergency communications fund created in section
27 47 34A.7A to the administrator of the homeland security
27 48 and emergency management division of the department of
27 49 public defense for the fiscal year beginning July 1,
27 50 2010, and ending June 30, 2011, an amount not exceeding



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28 1 \$200,000 to be used for implementation, support, and
28 2 maintenance of the functions of the administrator and
28 3 program manager under chapter 34A and to employ the
28 4 auditor of the state to perform an annual audit of the
28 5 wireless E911 emergency communications fund.
28 6 Sec. 32. CORRECTIONAL OFFICER AND PEACE OFFICER ==
28 7 PRIORITY. As a condition of receiving an appropriation
28 8 in this Act, the department of corrections and the
28 9 department of public safety shall make every effort
28 10 to preserve correctional officer and peace officer
28 11 positions through the reduction of administrative and
28 12 related overhead costs.>
28 13 #2. Title page, line 2, after <system,> by inserting
28 14 <providing for fees and fines,>

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HF2523.2285 (2) 83
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House Amendment 8443

PAG LIN

1 1 Amend Senate File 2270, as passed by the Senate, as
1 2 follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5 <Section 1. NEW SECTION. 91F.1 Short title.
1 6 This chapter shall be known and may be cited as the
1 7 "Family Friendly Workplace Act".
1 8 Sec. 2. NEW SECTION. 91F.2 Definitions.
1 9 1. "Employer" means a person engaged in a business
1 10 that has one or more employees and also includes the
1 11 state of Iowa, a department or agency thereof, and any
1 12 political subdivision of the state.
1 13 2. "Reasonable efforts" means any effort that would
1 14 not impose an undue hardship on the operation of the
1 15 employer's business.
1 16 3. "Undue hardship" means any action that requires
1 17 significant difficulty, compromises the safety of other
1 18 employees, requires temporary facility closure, or
1 19 results in expenditures exceeding five hundred dollars,
1 20 exclusive of the costs of additional labor or unpaid
1 21 leave costs.
1 22 Sec. 3. NEW SECTION. 91F.3 Right to express breast
1 23 milk in workplace == private location.
1 24 1. An employer shall provide reasonable unpaid
1 25 break time or permit an employee to use paid break
1 26 time, meal time, or both, each day, to allow the
1 27 employee to express breast milk for the employee's
1 28 nursing child for up to two years after the child's
1 29 birth.
1 30 2. The employer shall make reasonable efforts
1 31 to provide a place, other than a toilet stall, which
1 32 is shielded from view and free from intrusion from
1 33 coworkers and the public, that may be used by an
1 34 employee to express breast milk in privacy.
1 35 3. The department of workforce development shall
1 36 provide on its internet site information and links
1 37 to other internet sites where employers can access
1 38 information regarding methods to accommodate employees
1 39 who express breast milk in the workplace. The
1 40 department shall consult with appropriate organizations
1 41 or associations to determine the appropriate
1 42 information and internet site links so as to provide
1 43 employers with the most accurate and useful information
1 44 available.
1 45 4. a. An employee shall provide notice to an
1 46 employer of the employee's need for time and a location
1 47 to express breast milk at least sixty days prior to the
1 48 anticipated date that the employee will give birth.
1 49 b. If an employee gives birth more than sixty days
1 50 prior to the employee's anticipated date of delivery,



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2 1 or the employee is hired while breast=feeding, the
2 2 employee shall notify the employer within a reasonable
2 3 time about the employee's need for time and a location
2 4 to express breast milk.
2 5 5. a. At least thirty days prior to the
2 6 anticipated date that the employee will give birth,
2 7 the employer and employee shall establish a written
2 8 agreement pursuant to the provisions in this section.
2 9 The agreement shall be signed by the employer or
2 10 the employer's designee and the employee and shall
2 11 be notarized by a third party, who may be another
2 12 employee of the employer. A copy of the agreement
2 13 shall be given to the employee and a copy placed in the
2 14 employee's personnel file.
2 15 b. If an employee gives birth more than thirty days
2 16 prior to the employee's anticipated date of delivery,
2 17 or the employee is hired while breast=feeding, the
2 18 employer and employee shall establish a written
2 19 agreement pursuant to the provisions of this section
2 20 as soon as practicable. The agreement shall be signed
2 21 by the employer or the employer's designee and the
2 22 employee and shall be notarized by a third party, who
2 23 may be another employee of the employer. A copy of the
2 24 agreement shall be given to the employee and a copy
2 25 placed in the employee's personnel file.
2 26 c. If an employer and employee are unable to agree
2 27 on the amount of time, the location, or both for the
2 28 employee to express breast milk, the employee may file
2 29 a written or electronic complaint using a form provided
2 30 by the Iowa civil rights commission on its internet
2 31 site.
2 32 Sec. 4. NEW SECTION. 216.6B Employment
2 33 accommodation == expressing breast milk.
2 34 1. It shall be the responsibility of the commission
2 35 to investigate and issue civil penalties and remedies,
2 36 relating to the provisions of section 91F.3 pertaining
2 37 to the right of an employee to express breast milk
2 38 in the workplace, as appropriate pursuant to section
2 39 216.15C.
2 40 2. The commission shall develop a complaint form
2 41 to be available on the commission's internet site that
2 42 pertains to the right of an employee to express breast
2 43 milk in the workplace, pursuant to section 91F.3.
2 44 Sec. 5. NEW SECTION. 216.15C Investigation and
2 45 hearing == expressing breast milk in the workplace.
2 46 1. Upon receipt by the commission of a completed
2 47 and signed complaint form from an aggrieved employee
2 48 pursuant to section 216.6B, an authorized member of
2 49 the commission shall commence an investigation within
2 50 five days of receiving the complaint. The commission's



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3 1 investigation is not to be construed as a contested
3 2 case as defined in section 17A.2.
3 3 2. The investigating member of the commission shall
3 4 provide notice in writing using regular or electronic
3 5 mail to the employer of the allegations contained in
3 6 the complaint and shall request a response from the
3 7 employer within ten days from the date of notice. This
3 8 period may be extended by the investigating member of
3 9 the commission for good cause.
3 10 3. If the employer fails to respond to the
3 11 investigating member of the commission's request for
3 12 response within the established time, the investigating
3 13 member of the commission may determine the employee's
3 14 claim to be enforceable.
3 15 4. If the employer answers the investigating
3 16 member of the commission's request for response
3 17 within the established time, the investigating
3 18 member of the commission shall notify the aggrieved
3 19 employee in writing using regular or electronic mail
3 20 of the employer's response and afford the employee
3 21 an opportunity to present additional information
3 22 in support of the employee's complaint pursuant to
3 23 section 91F.3. The employee shall submit the requested
3 24 additional information within ten days from the
3 25 date of notice. This period may be extended by the
3 26 investigating member of the commission for good cause.
3 27 5. Upon receipt of the requested additional
3 28 information from the employee, the commission may
3 29 determine additional information is required from the
3 30 employer and shall provide notice in writing using
3 31 regular or electronic mail to the employer of the
3 32 request and require a response within ten days from the
3 33 date of notice.
3 34 6. The members of the commission and its staff
3 35 shall not disclose the filing of a complaint or the
3 36 information gathered during the investigation, unless
3 37 such disclosure is made in connection with the conduct
3 38 of such investigation.
3 39 7. a. Within five days upon receipt of all
3 40 requested information, the investigating member of
3 41 the commission may determine the employee's complaint
3 42 to be enforceable and the commission shall notify
3 43 the employer in writing using regular or electronic
3 44 mail of that determination. Should the investigating
3 45 member of the commission determine that the complaint
3 46 is unenforceable, the commission shall so notify the
3 47 employee in writing using regular or electronic mail.
3 48 The determination constitutes final agency action.
3 49 b. Upon determination that a complaint pursuant
3 50 to section 91F.3 is enforceable, the commission



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4 1 shall notify the employer in writing using regular or
4 2 electronic mail of that determination and afford the
4 3 employer an opportunity to comply with the provisions
4 4 of section 91F.3 within ten days of the date of notice
4 5 prior to initiating judicial proceedings.
4 6 c. After the employer has received notice of the
4 7 decision and the ten-day compliance period has expired,
4 8 the commission may also impose a minimum civil penalty
4 9 of one hundred dollars and a maximum civil penalty of
4 10 five hundred dollars for each day that the respondent
4 11 was not in compliance with section 91F.3 and each day
4 12 the respondent remains out of compliance with section
4 13 91F.3 as ordered by the commission. The maximum
4 14 civil penalty shall be assessed only if the commission
4 15 determines that the respondent has been found in
4 16 violation of section 91F.3, subsections 1 and 2. The
4 17 aggregate civil penalty assessed shall not exceed five
4 18 thousand dollars. Civil penalties collected pursuant
4 19 to this paragraph shall be deposited in the general
4 20 fund of the state.
4 21 8. The commission shall establish rules to govern,
4 22 expedite, and effectuate the procedures established by
4 23 this section and its own actions thereunder.>
4 24 #2. Title page, line 3, after <milk> by inserting <,
4 25 and providing penalties and remedies>

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SF2270.2277 (4) 83
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House Amendment 8444

PAG LIN

1 1 Amend the House amendment, S=5222, to Senate File
1 2 2200, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, after line 2 by inserting:
1 5 <____. Page 1, by striking lines 20 through 22
1 6 and inserting <probate court. The court shall inform
1 7 the proposed guardian of the guardian's reporting
1 8 duties under section 633.669 and other duties under
1 9 the probate code. Upon transferring jurisdiction, the
1 10 court shall direct the probate clerk, once the proposed
1 11 guardian has filed an oath of office and identification
1 12 in accordance with section 602.6111, to issue letters
1 13 of appointment for guardianship and docket the case in
1 14 probate. Records contained in the probate case file
1 15 that were copied or transferred from the juvenile court
1 16 file concerning the case shall be subject to section
1 17 232.147 and other confidentiality provisions of this
1 18 chapter for cases not involving juvenile delinquency.>>
1 19 #2. By renumbering as necessary.
S5222.2311.S (1) 83



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House Amendment 8445

PAG LIN

1 1 Amend House File 2473, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, line 9, by striking <marker> and
1 4 inserting <monument, as defined in section 355.1,>
1 5 #2. Page 1, line 12, by striking <marker> and
1 6 inserting <monument>
1 7 #3. Page 1, line 19, by striking <marker> and
1 8 inserting <monument>
1 9 #4. Page 1, line 20, by striking <marker> and
1 10 inserting <monument>
HF2473.2316.S (1) 83



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House Amendment 8446

PAG LIN

1 1 Amend Senate File 2324, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, line 22, by striking <thirty business>
1 4 and inserting <business thirty calendar>
1 5 #2. Page 3, by striking lines 4 and 5 and inserting
1 6 <of the requirements specified in subsection 1 have
1 7 been met.>
1 8 #3. Page 3, line 6, after <sixty> by inserting
1 9 <calendar>
1 10 #4. Page 3, by striking lines 13 through 25 and
1 11 inserting:
1 12 <c. The board may assess its costs associated with
1 13 an application or a certificate of franchise authority
1 14 pursuant to the assessment authority contained in
1 15 section 476.10, subsection 1, paragraph "a".
1 16 ~~2. The failure of the board to notify the applicant
1 17 of the completeness of the applicant's affidavit or
1 18 issue a certificate of franchise authority before the
1 19 fifteenth business day after receipt of a completed
1 20 affidavit shall constitute issuance of the certificate
1 21 of franchise authority applied for by the applicant
1 22 without further action by the applicant.>~~
1 23 #5. Page 4, line 17, after <for the> by inserting
1 24 <remaining>
1 25 #6. Page 4, line 35, after <for the> by inserting
1 26 <remaining>
1 27 #7. By renumbering, redesignating, and correcting
1 28 internal references as necessary.

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SF2324.2299 (3) 83
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House Amendment 8447

PAG LIN

1 1 Amend the amendment, H=8360, to Senate File 2310, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 1, by striking lines 39 through 44.
1 4 #2. Page 1, before line 45 by inserting:
1 5 <____. Page 5, by striking line 1 and inserting
1 6 <parks, state preserves, state forests, wildlife areas,
1 7 wildlife habitats,>>
1 8 #3. By renumbering as necessary.

BELL of Jasper
SF2310.2339 (1) 83
da/nh



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House Amendment 8448

PAG LIN

1 1 Amend the amendment, H=8443, to Senate File 2270, as
1 2 passed by the Senate, as follows:
1 3 #1. Page 3, line 43, by striking <or electronic>
1 4 #2. Page 3, line 47, by striking <or electronic>
1 5 #3. Page 4, lines 1 and 2, by striking <or
1 6 electronic>
1 7 #4. Page 4, by striking lines 6 and 7.
1 8 #5. Page 4, line 8, by striking <the commission may
1 9 also impose> and inserting:
1 10 c. The commission may impose>
1 11 #6. Page 4, by striking lines 11 through 13 and
1 12 inserting <remains out of compliance with section 91F.3
1 13 only after the employer has received notice of the
1 14 decision and the ten=day compliance period has expired.
1 15 The maximum>
1 16 #7. By renumbering as necessary.

STRUYK of Pottawattamie
H8443.2336 (1) 83
ak/rj



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House Amendment 8449

PAG LIN

1 1 Amend the amendment, H=8400, to House File 2518 as
1 2 follows:
1 3 #1. Page 1, by striking lines 9 through 22 and
1 4 inserting:
1 5 <____. Page 20, after line 17 by inserting:
1 6 <Sec. _____. Section 411.5, Code 2009, is amended by
1 7 adding the following new subsection:
1 8 NEW SUBSECTION. 16. Benefits and financing
1 9 review. At least every two years, the board shall
1 10 review the benefits and finances provided under this
1 11 chapter. The board shall make recommendations to the
1 12 general assembly concerning this review, which shall
1 13 include recommendations concerning the long-term
1 14 financing and benefits policy of the system.>
1 15 _____. By striking page 23, line 35, through page 25,
1 16 line 26.
1 17 _____. Page 26, line 22, by striking <ADVISORY
1 18 COMMITTEE> and inserting <BOARD>
1 19 _____. Page 26, line 23, by striking <benefits
1 20 advisory committee> and inserting <board of trustees>
1 21 _____. Page 26, by striking lines 26 through 28 and
1 22 inserting <examination of the benefits and finances
1 23 provided under chapter 411, including an examination
1 24 of the long-term financing and benefits policy of the
1 25 system, with the goal of making recommendations for>
1 26 _____. Page 26, by striking lines 32 through 35 and
1 27 inserting:
1 28 <2. On or before January 10, 2011, the board shall
1 29 file a report with the general assembly which contains
1 30 the results of the comprehensive >>
1 31 #2. By renumbering as necessary.

HUSER of Polk

MASCHER of Johnson

KELLEY of Black Hawk

PETTENGILL of Benton

DRAKE of Cass



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FREVERT of Palo Alto
HF2518.2340 (3) 83
ec/sc



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House Amendment 8450

PAG LIN

1 1 Amend House File 2512 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 321.176A, subsection 1, Code
1 4 2009, is amended to read as follows:
1 5 1. a. A farmer or a person working for a farmer
1 6 while operating a commercial motor vehicle controlled
1 7 by the farmer within one hundred fifty air miles
1 8 of the farmer's farm to transport the farmer's own
1 9 agricultural products, farm machinery, or farm supplies
1 10 to or from the farm. The exemption provided in this
1 11 subsection shall apply to farmers who assist each other
1 12 through an exchange of services and shall include
1 13 operation of a commercial motor vehicle between the
1 14 farms of the farmers who are exchanging services.
1 15 b. A person who claims an exemption from commercial
1 16 driver's license requirements under this subsection and
1 17 who operates a commercial motor vehicle in violation of
1 18 the restrictions applicable to the exemption commits a
1 19 simple misdemeanor punishable by a fine of one thousand
1 20 eight hundred dollars.>
1 21 #2. Title page, line 2, after <highways> by
1 22 inserting <and containing penalty provisions>
1 23 #3. By renumbering as necessary.

S. OLSON of Clinton
HF2512.2213 (3) 83
dea/nh



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House Amendment 8451

PAG LIN

1 1 Amend House File 2527 as follows:
1 2 #1. Page 10, line 7, by striking <two> and inserting
1 3 <three>

SHOMSHOR of Pottawattamie
HF2527.2317 (1) 83
tw/sc



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House Amendment 8452

PAG LIN

1 1 Amend Senate File 2367, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 26, after line 17 by inserting:
1 4 <DIVISION ____
1 5 REVENUE COLLECTIONS BY COUNTY TREASURERS
1 6 Sec. ____ . Section 321.40, subsection 6, Code
1 7 Supplement 2009, is amended to read as follows:
1 8 6. a. The department or the county treasurer
1 9 shall refuse to renew the registration of a vehicle
1 10 registered to the applicant if the department or
1 11 the county treasurer knows that the applicant has a
1 12 delinquent account, charge, fee, loan, taxes, or other
1 13 indebtedness owed to or being collected by the state,
1 14 from information provided pursuant to sections 8A.504
1 15 and 421.17. An applicant may contest this action by
1 16 requesting a contested case proceeding from the agency
1 17 that referred the debt for collection pursuant to
1 18 section 8A.504. The department of revenue and the
1 19 department of transportation shall notify the county
1 20 treasurers through the distributed teleprocessing
1 21 network of persons who owe such a charge, fee, loan,
1 22 taxes, or other indebtedness.
1 23 b. The county treasurer of the county of the
1 24 person's residence and in which the person's vehicle
1 25 is registered, in cooperation with the department
1 26 of revenue, may collect delinquent taxes including
1 27 penalties and interest owed to the state from a person
1 28 applying for renewal of a vehicle registration. The
1 29 applicant may remit full payment of the taxes including
1 30 applicable penalties and interest, along with a
1 31 processing fee of five dollars, to the county treasurer
1 32 at the time of registration renewal. Upon full payment
1 33 of the required taxes including applicable penalties
1 34 and interest, the processing fee, and the vehicle
1 35 registration fee, the county treasurer shall issue
1 36 the registration to the person. A county treasurer
1 37 collecting on behalf of the department of revenue shall
1 38 update the vehicle registration records through the
1 39 distributed teleprocessing network on a daily basis
1 40 for all persons who have paid taxes pursuant to this
1 41 subsection. A county treasurer shall forward all
1 42 funds collected for the department of revenue to the
1 43 department of revenue.
1 44 Sec. ____ . Section 321.152, Code 2009, is amended by
1 45 adding the following new subsection:
1 46 NEW SUBSECTION. 2A. The five dollar processing
1 47 fee charged by a county treasurer for collection of
1 48 tax debt owed to the department of revenue pursuant to
1 49 section 321.40, subsection 6, shall be retained for
1 50 deposit in the county general fund.



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House Amendment 8452 continued

2 1 Sec. _____. Section 321.153, Code 2009, is amended to
2 2 read as follows:

2 3 321.153 Treasurer's report to department.

2 4 1. The county treasurer on the tenth day of each
2 5 month shall certify to the department a full and
2 6 complete statement of all fees and penalties received
2 7 by the county treasurer during the preceding calendar
2 8 month and shall remit all moneys not retained for
2 9 deposit under section 321.152 to the treasurer of
2 10 state.

2 11 2. The distributed teleprocessing network shall be
2 12 used in the collection, receipting, accounting, and
2 13 reporting of any fee collected through the registration
2 14 renewal or title process, with sufficient time and
2 15 financial resources provided for implementation.

2 16 3. This section does not apply to fees collected
2 17 or retained by a county treasurer pursuant to
2 18 participation in county issuance of driver's licenses
2 19 under chapter 321M.

2 20 4. This section does not apply to processing fees
2 21 charged by a county treasurer for the collection of
2 22 tax debt owed to the department of revenue pursuant to
2 23 section 321.40.

2 24 Sec. _____. Section 421.17, subsection 27, Code 2009,
2 25 is amended by adding the following new paragraph:

2 26 NEW PARAGRAPH. k. A county treasurer may collect
2 27 delinquent taxes, including penalties and interest,
2 28 administered by the department in conjunction with
2 29 renewal of a vehicle registration as provided in
2 30 section 321.40, subsection 6, paragraph "b", and rules
2 31 adopted pursuant to this paragraph. County treasurers
2 32 shall be given access to information required for the
2 33 collection of delinquent taxes, including penalties
2 34 and interest, as necessary to accomplish the purposes
2 35 of section 321.40, subsection 6, paragraph "b". The
2 36 confidentiality provisions of sections 422.20 and
2 37 422.72 do not apply to information provided to a
2 38 county treasurer pursuant to this paragraph. A county
2 39 treasurer collecting taxes, penalties, and interest
2 40 administered by the department is subject to the
2 41 requirements and penalties of the confidentiality
2 42 laws of this state regarding tax or indebtedness
2 43 information. The director shall adopt rules to
2 44 implement the collection of tax debt as authorized in
2 45 section 321.40 and this paragraph.

2 46 Sec. _____. Section 422.20, subsection 3, paragraph
2 47 a, Code 2009, is amended to read as follows:

2 48 a. Unless otherwise expressly permitted by
2 49 section 8A.504, section 421.17, subsections 22, 23,
2 50 and 26, ~~sections~~ and subsection 27, paragraph "k",



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House Amendment 8452 continued

3 1 section 252B.9, section 321.40, subsection 6, paragraph
 3 2 "b", sections 321.120, 421.19, 421.28, 422.72, and
 3 3 452A.63, and this section, a tax return, return
 3 4 information, or investigative or audit information
 3 5 shall not be divulged to any person or entity,
 3 6 other than the taxpayer, the department, or internal
 3 7 revenue service for use in a matter unrelated to tax
 3 8 administration.
 3 9 Sec. _____. Section 422.72, subsection 3, paragraph
 3 10 a, Code 2009, is amended to read as follows:
 3 11 a. Unless otherwise expressly permitted by
 3 12 section 8A.504, section 421.17, subsections 22, 23,
 3 13 and 26, ~~sections~~ and subsection 27, paragraph "k",
 3 14 section 252B.9, section 321.40, subsection 6, paragraph
 3 15 "b", sections 321.120, 421.19, 421.28, 422.20, and
 3 16 452A.63, and this section, a tax return, return
 3 17 information, or investigative or audit information
 3 18 shall not be divulged to any person or entity,
 3 19 other than the taxpayer, the department, or internal
 3 20 revenue service for use in a matter unrelated to tax
 3 21 administration.
 3 22 Sec. _____. INTENT == COLLECTION OF COURT DEBT BY
 3 23 COUNTY TREASURERS == STUDY.
 3 24 1. It is the intent of the general assembly to
 3 25 implement the collection of court debt on behalf of the
 3 26 clerk of the district court at the time a person renews
 3 27 a motor vehicle registration beginning July 1, 2011.
 3 28 2. The state court administrator, or the state
 3 29 court administrator's designee, in cooperation with
 3 30 the Iowa state county treasurers association shall
 3 31 develop a plan to allow county treasurers to collect
 3 32 restitution and delinquent court debt on behalf of
 3 33 the clerk of the district court at the time a person
 3 34 appears before the county treasurer to renew a vehicle
 3 35 registration. The state court administrator shall
 3 36 submit a report of the plan to the general assembly on
 3 37 or before December 1, 2010.>
 3 38 #2. By renumbering as necessary.

GASKILL of Wapello
 SF2367.2349 (2) 83
 ec/tm



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House Amendment 8453

PAG LIN

- 1 1 Amend House File 2512 as follows:
1 2 #1. Page 1, line 3, after <(1)> by inserting <(a)>
1 3 #2. Page 1, after line 33 by inserting:
1 4 <(b) A vehicle shall not be operated with a maximum
1 5 gross weight exceeding ninety-five thousand five
1 6 hundred pounds pursuant to this subparagraph (1) unless
1 7 the vehicle is equipped with an engine compression
1 8 braking system.>
1 9 #3. By renumbering as necessary.

HUSER of Polk
HF2512.2216 (2) 83
dea/nh



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House Amendment 8454

PAG LIN

1 1 Amend Senate File 2367, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 14, by striking lines 6 through 12.
1 4 #2. By striking page 19, line 35, through page 20,
1 5 line 5.
1 6 #3. By renumbering as necessary.

WATTS of Dallas
SF2367.2352 (2) 83
ec/tm



Iowa General Assembly
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House Amendment 8455

PAG LIN

1 1 Amend House File 2526 as follows:
1 2 #1. Page 103, after line 14 by inserting:
1 3 <Sec. ____ Section 237A.3A, subsection 3, Code
1 4 Supplement 2009, is amended by adding the following new
1 5 paragraph:
1 6 NEW PARAGRAPH. e. If the department adopts rules
1 7 establishing a limitation on the number of hours for
1 8 which substitute care may be utilized by the provider,
1 9 such a limitation shall not apply to or incorporate
1 10 substitute care utilized when the provider is engaged
1 11 in jury duty or in official duties connected with the
1 12 provider's membership on a state board, committee, or
1 13 other policy-related body.>
1 14 #2. By renumbering as necessary.

SMITH of Marshall

MASCHER of Johnson
HF2526.2312 (1) 83
jp/pf



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House Amendment 8456

PAG LIN

1 1 Amend House File 2526 as follows:
1 2 #1. Page 25, after line 14, by inserting:
1 3 <___. Before a medically necessary abortion is
1 4 performed all of the following conditions shall be met:
1 5 a. The pregnant woman is referred to a nonprofit
1 6 agency providing a comprehensive range of free services
1 7 including options counseling.
1 8 b. The woman is provided an ultrasound exam.
1 9 c. The woman is provided information that the
1 10 right to life is the paramount and most fundamental
1 11 right of every person, irrespective of age, health,
1 12 function, physical or mental dependency, and this right
1 13 applies to all human beings from the beginning of their
1 14 biological development.>
1 15 #2. Page 63, after line 12 by inserting:
1 16 <1A. Before a medically necessary abortion is
1 17 performed all of the following conditions shall be met:
1 18 a. The pregnant woman is referred to a nonprofit
1 19 agency providing a comprehensive range of free services
1 20 including options counseling.
1 21 b. The woman is provided an ultrasound exam.
1 22 c. The woman is provided information that the
1 23 right to life is the paramount and most fundamental
1 24 right of every person, irrespective of age, health,
1 25 function, physical or mental dependency, and this right
1 26 applies to all human beings from the beginning of their
1 27 biological development.>
1 28 #3. By renumbering as necessary.

ALONS of Sioux

DE BOEF of Keokuk

SCHULTZ of Crawford

KOESTER of Polk

DOLECHECK of Ringgold

CHAMBERS of O'Brien



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SORENSEN of Warren

ROBERTS of Carroll

TYMESON of Madison

WINDSCHITL of Harrison

MERTZ of Kossuth

SODERBERG of Plymouth

BAUDLER of Adair

HAGENOW of Polk

WATTS of Dallas

ANDERSON of Page

HUSEMAN of Cherokee

SANDS of Louisa
HF2526.2303 (3) 83
pf/jp



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House File 2529 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 2088)

A BILL FOR

1 An Act providing for the waiver of tax penalties and interest
2 under certain circumstances and including effective date and
3 retroactive applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 5339HV (2) 83
tw/sc



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House File 2529 - Introduced continued

PAG LIN

1 1 Section 1. WAIVER OF PENALTIES AND INTEREST == REFUNDS.
1 2 1. Notwithstanding sections 421.8, 421.27, and 422.25, if a
1 3 taxpayer has filed a return for tax year 2008 relying in good
1 4 faith on the expectation that the state of Iowa would conform
1 5 to the federal Internal Revenue Code in computing net income
1 6 for state tax purposes, the director of revenue shall, for any
1 7 taxpayer amending the return in the time permitted by statute,
1 8 waive any penalty or interest due as a result of either a
1 9 failure to timely pay the tax due or the filing of a defective
1 10 or incorrect return.

1 11 2. If, prior to the effective date of this Act, a taxpayer
1 12 paid penalties or interest as a result of a good-faith reliance
1 13 on the state conforming to the Internal Revenue Code in
1 14 computing net income for state tax purposes, the department
1 15 of revenue shall refund such penalties and interest to the
1 16 taxpayer.

1 17 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 18 APPLICABILITY. This Act, being deemed of immediate importance,
1 19 takes effect upon enactment and applies retroactively to
1 20 January 1, 2008, for tax years beginning on or after that date
1 21 and before January 1, 2009.

1 22 EXPLANATION

1 23 This bill relates to the assessment of penalties and
1 24 interest against taxpayers who filed returns expecting the
1 25 state of Iowa to conform with certain federal income tax
1 26 provisions.

1 27 In 2009, the state of Iowa did not conform to the federal
1 28 provisions related to the computation of net income. This
1 29 bill allows the director of revenue to waive the assessment of
1 30 penalties and interest against taxpayers who relied in good
1 31 faith on the state conforming to the federal provisions and who
1 32 timely amend their return. Any penalty and interest paid are
1 33 to be refunded.

1 34 The bill takes effect upon enactment and applies only to tax
1 35 year 2008.

LSB 5339HV (2) 83

tw/sc



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House File 2530 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HSB 729)

A BILL FOR

1 An Act exempting from the state sales and use taxes the sale of
2 paint and other consumable items to an auto body shop.

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

TL5B 6188HV (2) 83

tw/sc



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House File 2530 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.3, Code Supplement 2009, is amended
1 2 by adding the following new subsection:
1 3 NEW SUBSECTION. 96. The sales price from the sale of paint
1 4 and other consumable items to an auto body shop if all of the
1 5 following conditions exist:
1 6 a. The paint or other consumable item is purchased directly
1 7 and primarily for use by the auto body shop in the furnishing
1 8 of vehicle repair services such that the paint or other
1 9 consumable item becomes an ingredient or component part of the
1 10 repair work performed by the auto body shop.
1 11 b. The paint or other consumable item is listed as a
1 12 separate item on the auto body shop's customer invoice and is
1 13 transferred to the customer in a form or quantity to which a
1 14 definite price or value can be assigned.

1 15 EXPLANATION

1 16 This bill exempts from the sales and use taxes the sales
1 17 price from the sale of paint and other consumable items to an
1 18 auto body shop if the sale meets certain criteria.

LSB 6188HV (2) 83

tw/sc



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Senate Amendment 5264

PAG LIN

1 1 Amend the House amendment, S=5222, to Senate File
1 2 2200, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, after line 2 by inserting:
1 5 <__. Page 1, by striking lines 20 through 22
1 6 and inserting <probate court. The court shall inform
1 7 the proposed guardian of the guardian's reporting
1 8 duties under section 633.669 and other duties under
1 9 the probate code. Upon transferring jurisdiction, the
1 10 court shall direct the probate clerk, once the proposed
1 11 guardian has filed an oath of office and identification
1 12 in accordance with section 602.6111, to issue letters
1 13 of appointment for guardianship and docket the case in
1 14 probate. Records contained in the probate case file
1 15 that were copied or transferred from the juvenile court
1 16 file concerning the case shall be subject to section
1 17 232.147 and other confidentiality provisions of this
1 18 chapter for cases not involving juvenile delinquency.>>
1 19 #2. By renumbering as necessary.

DAVID JOHNSON

KEITH A. KREIMAN
SF2200.2228 (5) 83
jp/nh



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Senate Amendment 5265

PAG LIN

1 1 Amend House File 2462, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, after line 20 by inserting:
1 4 <c. This subsection shall only be utilized by
1 5 a school district if the department of management
1 6 determines that the rate of property tax levied by the
1 7 district per one thousand dollars of assessed valuation
1 8 for school funding purposes exceeds the statewide
1 9 average rate of property tax levied by school districts
1 10 per one thousand dollars of assessed valuation for
1 11 school funding purposes.>

STEVE WARNSTADT
HF2462.2138 (1) 83
ak/sc



Iowa General Assembly
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Senate Amendment 5266

PAG LIN

1 1 Amend House File 2462, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, after line 20 by inserting:
1 4 <c. This subsection shall only be utilized by
1 5 a school district if the department of management
1 6 determines that the district has an assessed property
1 7 tax valuation per pupil below the statewide average
1 8 assessed property tax valuation per pupil.>

STEVE WARNSTADT
HF2462.2139 (1) 83
ak/sc



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Senate Amendment 5267

PAG LIN

1 1 Amend House File 2462, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, after line 20 by inserting:
1 4 <c. Commencing with the fiscal year beginning July
1 5 1, 2009, a school district that increases its cash
1 6 reserve levy pursuant to section 298.10 for the fiscal
1 7 year shall be prohibited from utilizing physical plant
1 8 and equipment levy funds for the purposes described in
1 9 this subsection for the same fiscal year.>

STEVE WARNSTADT
HF2462.2145 (1) 83
ak/sc



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Senate Amendment 5268

PAG LIN

1 1 Amend House File 2462, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, after line 20 by inserting:
1 4 <c. This subsection shall only be utilized by a
1 5 school district if the following requirements are
1 6 fulfilled:
1 7 (1) The board of directors has authorized the
1 8 regular physical plant and equipment levy at the level
1 9 of thirty=three cents per thousand dollars of assessed
1 10 valuation in the district.
1 11 (2) The department of management shall determine
1 12 the dollar amount generated per pupil by the regular
1 13 physical plant and equipment levy rate, pursuant
1 14 to section 298.2, for each school district imposing
1 15 the levy for each school budget year, beginning with
1 16 the school budget year commencing July 1, 2009. The
1 17 department shall rank the school districts from the
1 18 highest dollar amount generated per pupil to the lowest
1 19 dollar amount generated per pupil.
1 20 (3) For each school budget year, the department
1 21 shall subtract the per pupil dollar amount determined
1 22 under subparagraph (2) for each applicable district
1 23 from the per pupil dollar amount determined for the
1 24 school district ranked as generating the highest dollar
1 25 amount per pupil for that school budget year and shall
1 26 multiply the remainder times the per pupil enrollment
1 27 of the applicable district.
1 28 (4) Notwithstanding section 257.16, subsection
1 29 1, there is appropriated each school budget year from
1 30 the general fund of the state an amount necessary to
1 31 pay the dollar amount calculated for each district in
1 32 subparagraph (3).>
1 33 #2. Page 2, by striking lines 11 and 12.
1 34 #3. Title page, lines 2 and 3, by striking <and
1 35 including effective date provisions>

STEVE WARNSTADT
HF2462.2140 (1) 83
ak/sc



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Senate Amendment 5269

PAG LIN

1 1 Amend House File 2432, as passed by the House, as
1 2 follows:
1 3 #1. Page 1, line 5, after <from> by inserting
1 4 <inside and>
1 5 #2. Page 1, line 8, after <from> by inserting
1 6 <inside and>
1 7 #3. Title page, line 2, after <from> by inserting
1 8 <inside and>

SHAWN HAMERLINCK
HF2432.1996 (2) 83
ak/rj



Iowa General Assembly
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Senate Amendment 5270

PAG LIN

1 1 Amend Senate File 2380 as follows:
1 2 #1. Page 1, by striking lines 21 through 27 and
1 3 inserting <appointed by the legislative council. In
1 4 appointing the five members of each house to the
1 5 committee, the council shall appoint three members from
1 6 the majority party and two members from the minority
1 7 party.>
1 8 #2. Page 10, line 10, by striking <two> and
1 9 inserting <three>

JOE BOLKCOM
SF2380.2295 (3) 83
tw/sc



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Senate Amendment 5271

PAG LIN

1 1 Amend Senate File 2380 as follows:
1 2 #1. Page 5, line 29, by striking <2012> and
1 3 inserting <2011>

ROBERT M. HOGG
SF2380.2280 (1) 83
tw/sc



Iowa General Assembly
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Senate Amendment 5272

PAG LIN

1 1 Amend Senate File 2290 as follows:
1 2 #1. Page 1, after line 20 by inserting:
1 3 <c. Expenditures allowed under this subsection
1 4 shall not be made until all facilities within a school
1 5 district have been certified in writing by an architect
1 6 registered under chapter 544A or an engineer licensed
1 7 under chapter 542B as being compliant with state and
1 8 local fire codes and safety codes.>

SWATI DANDEKAR

MATT McCOY

JACK HATCH

STEVEN SODDERS

STEVE WARNSTADT

WILLIAM DOTZLER

SHAWN HAMERLINCK

DAVID JOHNSON

KIM REYNOLDS

JERRY BEHN

PAUL McKINLEY
SF2290.2252 (2) 83
ak/sc



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Senate Amendment 5273

PAG LIN

1 1 Amend the House amendment, S=5236, to Senate File
1 2 2274, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, by striking lines 3 through 5 and
1 5 inserting:
1 6 <___. Page 1, by striking line 17 and inserting:
1 7 <(ii) Is domiciled in this state, or has resided in
1 8 this state for at least one>

1 9 ___. Page 3, by striking line 2 and inserting:
1 10 <(ii) Is domiciled in this state, or has resided in
1 11 this state for at least one >>

1 12 #2. By renumbering as necessary.

STEVE WARNSTADT
SF2274.2304 (2) 83
kh/sc



Iowa General Assembly
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Senate Amendment 5274

PAG LIN

1 1 Amend Senate File 2380 as follows:
1 2 #1. By striking page 5, line 7, through page 24,
1 3 line 8.
1 4 #2. Title page, by striking lines 1 through 5 and
1 5 inserting <An Act relating to the review and study of
1 6 certain tax incentive programs.>
1 7 #3. By renumbering as necessary.

BRAD ZAUN

STEVE KETTERING

PAT WARD

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HUBERT HOUSER

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Senate Amendment 5275

PAG LIN

1 1 Amend Senate File 2380 as follows:
1 2 #1. Page 24, before line 9 by inserting:
1 3 <DIVISION ____
1 4 DISASTER=RELATED PERSONAL CASUALTY
1 5 LOSS DEDUCTIONS
1 6 Sec. ____ . DISASTER=RELATED PERSONAL CASUALTY
1 7 LOSS DEDUCTIONS. A taxpayer is allowed to take the
1 8 deduction for disaster=related casualty losses under
1 9 section 165(h) of the Internal Revenue Code, as
1 10 modified by the Heartland Disaster Relief Act of 2008,
1 11 Pub. L. No. 110=343, in computing net income for state
1 12 tax purposes.
1 13 Sec. ____ . EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 14 APPLICABILITY. This division of this Act, being deemed
1 15 of immediate importance, takes effect upon enactment
1 16 and applies retroactively to January 1, 2008, for
1 17 tax years beginning on or after that date and before
1 18 January 1, 2009.>
1 19 #2. By renumbering as necessary.

WALLY E. HORN
SF2380.2337 (2) 83
tw/sc



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Senate Amendment 5276

PAG LIN

1 1 Amend Senate File 2368 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. DISASTER=RELATED PERSONAL CASUALTY
1 5 LOSS DEDUCTIONS. A taxpayer is allowed to take the
1 6 deduction for disaster=related casualty losses under
1 7 section 165(h) of the Internal Revenue Code, as
1 8 modified by the Heartland Disaster Relief Act of 2008,
1 9 Pub. L. No. 110=343, in computing net income for state
1 10 tax purposes.
1 11 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 12 APPLICABILITY. This Act, being deemed of immediate
1 13 importance, takes effect upon enactment and applies
1 14 retroactively to January 1, 2008, for tax years
1 15 beginning on or after that date and before January 1,
1 16 2009.>
1 17 #2. Title page, by striking lines 1 and 2 and
1 18 inserting <An Act allowing taxpayers to take certain
1 19 deductions available under federal law in computing net
1 20 income for state income tax purposes and including>
1 21 #3. By renumbering as necessary.

WALLY E. HORN
SF2368.2338 (1) 83
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Senate Amendment 5277

PAG LIN

1 1 Amend Senate File 2309 as follows:
1 2 #1. Page 1, after line 29 by inserting:
1 3 <Sec. ____ Section 633.63, subsection 1, Code 2009,
1 4 is amended to read as follows:
1 5 1. Any natural person of full age, who is a
1 6 resident of this state, is qualified to serve as a
1 7 fiduciary, except any of the following:
1 8 a. ~~One who is under legal incompetency or is a~~
~~1 9 chronic alcoholic or a spendthrift~~ A person who is
1 10 incompetent.
1 11 b. Any other person whom the court determines to be
1 12 unsuitable.>
1 13 #2. By striking page 10, line 1, through page 11,
1 14 line 1.
1 15 #3. By renumbering as necessary.

ROBERT M. HOGG
SF2309.2292 (1) 83
rh/nh



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Senate Amendment 5278

PAG LIN

1 1 Amend Senate File 2311 as follows:

1 2 #1. By striking everything after the enacting clause

1 3 and inserting:

1 4 <Section 1. Section 85.36, subsection 9, paragraph

1 5 a, Code 2009, is amended to read as follows:

1 6 a. In computing the compensation to be allowed

1 7 a volunteer fire fighter, emergency medical care

1 8 provider, reserve peace officer, volunteer ambulance

1 9 driver, ~~volunteer emergency rescue technician as~~

~~1 10 defined in section 147A.1, or emergency medical~~

~~1 11 technician trainee,~~ the earnings as a fire fighter,

1 12 emergency medical care provider, reserve peace officer,

1 13 or volunteer ambulance driver, ~~volunteer emergency~~

~~1 14 rescue technician, or emergency medical technician~~

~~1 15 trainee~~ shall be disregarded and the volunteer fire

1 16 fighter, emergency medical care provider, reserve peace

1 17 officer, or volunteer ambulance driver, ~~volunteer~~

~~1 18 emergency rescue technician, or emergency medical~~

~~1 19 technician trainee~~ shall be paid an amount equal

1 20 to the compensation the volunteer fire fighter,

1 21 emergency medical care provider, reserve peace officer,

1 22 or volunteer ambulance driver, ~~volunteer emergency~~

~~1 23 rescue technician, or emergency medical technician~~

~~1 24 trainee~~ would be paid if injured in the normal

1 25 course of the volunteer fire fighter's, emergency

1 26 medical care provider's, reserve peace officer's,

1 27 or volunteer ambulance driver's, ~~volunteer emergency~~

~~1 28 rescue technician's, or emergency medical technician~~

~~1 29 trainee's~~ regular employment or an amount equal to one

1 30 hundred and forty percent of the statewide average

1 31 weekly wage, whichever is greater.

1 32 Sec. 2. Section 85.61, subsection 2, paragraph a,

1 33 Code 2009, is amended to read as follows:

1 34 a. A person, firm, association, or corporation,

1 35 state, county, municipal corporation, school

1 36 corporation, area education agency, township as

1 37 an employer of volunteer fire fighters, ~~volunteer~~

~~1 38 emergency rescue technicians,~~ and emergency medical

1 39 care providers only, benefited fire district, and the

1 40 legal representatives of a deceased employer.

1 41 Sec. 3. Section 85.61, subsection 7, paragraph b,

1 42 Code 2009, is amended to read as follows:

1 43 b. Personal injuries sustained by ~~volunteer~~

~~1 44 emergency rescue technicians or~~ emergency medical care

1 45 providers as defined in section 147A.1 arise in the

1 46 course of employment if the injuries are sustained at

1 47 any time from the time the ~~volunteer emergency rescue~~

~~1 48 technicians or~~ emergency medical care providers are

1 49 summoned to duty until the time those duties have been

1 50 fully discharged.



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2 1 Sec. 4. Section 85.61, subsection 11, paragraph
2 2 a, subparagraph (2), Code 2009, is amended to read as
2 3 follows:

2 4 (2) An emergency medical care provider as defined
2 5 in section 147A.1, ~~a volunteer emergency rescue~~
~~2 6 technician as defined in section 147A.1, or a volunteer~~
2 7 ambulance driver, ~~or an emergency medical technician~~
~~2 8 trainee~~, only if an agreement is reached between
2 9 such worker or employee and the employer for whom
2 10 the volunteer services are provided that workers'
2 11 compensation coverage under this chapter and chapters
2 12 85A and 85B is to be provided by the employer. An
2 13 emergency medical care provider ~~or volunteer emergency~~
~~2 14 rescue technician~~ who is a worker or employee under
2 15 this subparagraph is not a casual employee. "Volunteer
2 16 ambulance driver" means a person performing services
2 17 as a volunteer ambulance driver at the request
2 18 of the person in charge of a fire department or
2 19 ambulance service of a municipality. ~~"Emergency~~
~~2 20 medical technician trainee" means a person enrolled~~
~~2 21 in and training for emergency medical technician~~
~~2 22 certification.~~

2 23 Sec. 5. Section 100B.31, subsection 3, paragraph b,
2 24 Code Supplement 2009, is amended to read as follows:

2 25 b. A person performing the functions of an
2 26 emergency medical care provider ~~or emergency rescue~~
~~2 27 technician~~ as defined in section 147A.1 who was not
2 28 paid full-time by the entity for which such services
2 29 were being performed at the time the incident giving
2 30 rise to the death occurred.

2 31 Sec. 6. Section 147A.1, subsection 4, Code
2 32 Supplement 2009, is amended to read as follows:

2 33 4. "Emergency medical care provider" means
2 34 an individual trained to provide emergency and
2 35 nonemergency medical care at the ~~first-responder,~~
~~2 36 EMT-basic, EMT-intermediate, EMT-paramedic~~
~~2 37 level, emergency medical responder, emergency medical~~
2 38 technician, advanced emergency medical technician,
2 39 paramedic, or other certification levels adopted
2 40 by rule by the department, who has been issued a
2 41 certificate by the department.

2 42 Sec. 7. Section 147A.1, subsections 6, 8, and
2 43 9, Code Supplement 2009, are amended by striking the
2 44 subsections.

2 45 Sec. 8. Section 147A.1, Code Supplement 2009, is
2 46 amended by adding the following new subsections:

2 47 NEW SUBSECTION. 11. "Service program" or
2 48 "service" means any medical care ambulance service or
2 49 nontransport service that has received authorization
2 50 from the department under section 147A.5.



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Senate Amendment 5278 continued

3 1 NEW SUBSECTION. 12. "Training program" means an
3 2 Iowa college approved by the north central association
3 3 of colleges and schools or an Iowa hospital authorized
3 4 by the department to conduct emergency medical care
3 5 services training.

3 6 Sec. 9. Section 147A.2, Code 2009, is amended to
3 7 read as follows:

3 8 147A.2 Council established == terms of office.

3 9 1. An EMS advisory council shall be appointed
3 10 by the director. Membership of the council shall
3 11 be comprised of individuals nominated from, but
3 12 not limited to, the following state or national
3 13 organizations: Iowa osteopathic medical association,
3 14 Iowa medical society, American college of emergency
3 15 physicians, Iowa physician assistant society, Iowa
3 16 academy of family physicians, university of Iowa
3 17 hospitals and clinics, American academy of emergency
3 18 medicine, American academy of pediatrics, Iowa
3 19 EMS association, Iowa firemen's association, Iowa
3 20 professional firefighters, EMS education programs
3 21 committee, ~~EMS regional council,~~ Iowa nurses
3 22 association, Iowa hospital association, and the Iowa
3 23 state association of counties. The council shall also
3 24 include a member-at-large who is an emergency medical
3 25 care provider.

3 26 2. The EMS advisory council shall advise the
3 27 director and develop policy recommendations concerning
3 28 the regulation, administration, and coordination of
3 29 emergency medical services in the state.

3 30 Sec. 10. Section 147A.4, Code Supplement 2009, is
3 31 amended to read as follows:

3 32 147A.4 Rulemaking authority.

3 33 1. a. The department shall adopt rules required
3 34 or authorized by this subchapter pertaining to the
3 35 operation of ~~ambulance, rescue, and first response~~
3 36 ~~services~~ service programs which have received
3 37 authorization under section 147A.5 to utilize the
3 38 services of certified emergency medical care providers.
3 39 These rules shall include but need not be limited
3 40 to requirements concerning physician supervision,
3 41 necessary equipment and staffing, and reporting by
3 42 ~~ambulance, rescue, and first response services~~ service
3 43 programs which have received the authorization pursuant
3 44 to section 147A.5.

3 45 b. The director, pursuant to rule, may grant
3 46 exceptions and variances from the requirements of
3 47 rules adopted under this subchapter for any ~~ambulance,~~
3 48 ~~rescue, or first response~~ service program. Exceptions
3 49 or variations shall be reasonably related to undue
3 50 hardships which existing services experience in



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4 1 complying with this subchapter or the rules adopted
4 2 pursuant to this subchapter. ~~However, no exception or~~
~~4 3 variance may be granted unless the service adopted a~~
~~4 4 plan approved by the department prior to July 1, 1996,~~
~~4 5 to achieve compliance during a period not to exceed~~
~~4 6 seven years with this subchapter and rules adopted~~
~~4 7 pursuant to this subchapter. Services requesting~~
4 8 exceptions and variances shall be subject to other
4 9 applicable rules adopted pursuant to this subchapter.
4 10 2. The department shall adopt rules required
4 11 or authorized by this subchapter pertaining to the
4 12 examination and certification of emergency medical
4 13 care providers. These rules shall include, but
4 14 need not be limited to, requirements concerning
4 15 prerequisites, training, and experience for emergency
4 16 medical care providers and procedures for determining
4 17 when individuals have met these requirements. The
4 18 department shall adopt rules to recognize the
4 19 previous EMS training and experience of ~~first~~
~~4 20 responders and emergency medical technicians to~~
~~4 21 provide for an equitable transition to the EMT=basic~~
~~4 22 certification emergency medical care providers~~
~~4 23 transitioning to the emergency medical responder,~~
~~4 24 emergency medical technician, advanced emergency~~
~~4 25 medical technician, and paramedic levels. The~~
4 26 department may require additional training and
4 27 examinations as necessary and appropriate to ensure
4 28 that individuals seeking ~~certification~~ transition to
4 29 another level have met the ~~EMT=basic~~ knowledge and
4 30 skill requirements. All requirements for transition
4 31 to another level, including fees, shall be adopted by
4 32 rule.
4 33 3. The department shall establish the fee for the
4 34 examination of the emergency medical care providers
4 35 to cover the administrative costs of the examination
4 36 program.
4 37 4. The department shall adopt rules required
4 38 or authorized by this subchapter pertaining to the
4 39 operation of training programs. These rules shall
4 40 include but need not be limited to requirements
4 41 concerning curricula, resources, facilities, and staff.
4 42 Sec. 11. Section 147A.5, subsections 1 and 3, Code
4 43 2009, are amended to read as follows:
4 44 1. ~~An ambulance, rescue, or first~~
~~4 45 response~~ A service program in this state that
4 46 desires to provide emergency medical care in the
4 47 out-of-hospital setting shall apply to the department
4 48 for authorization to establish a program for delivery
4 49 of the care at the scene of an emergency, during
4 50 transportation to a hospital, during transfer from



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5 1 one medical care facility to another or to a private
5 2 residence, or while in the hospital emergency
5 3 department, and until care is directly assumed by a
5 4 physician or by authorized hospital personnel.
5 5 3. The department may deny an application for
5 6 authorization, or may impose a civil penalty not to
5 7 exceed one thousand dollars upon, place on probation,
5 8 suspend, or revoke the authorization of, or otherwise
5 9 discipline a service program with an existing
5 10 authorization if the department finds reason to
5 11 believe the service program has not been or will not
5 12 be operated in compliance with this subchapter and the
5 13 rules adopted pursuant to this subchapter, or that
5 14 there is insufficient assurance of adequate protection
5 15 for the public. The authorization, denial, or civil
5 16 penalty, period of probation, suspension, or
5 17 revocation, or other disciplinary action shall be
5 18 effected and may be appealed as provided by section
5 19 17A.12.

5 20 Sec. 12. Section 147A.6, Code 2009, is amended to
5 21 read as follows:

5 22 147A.6 Emergency medical care provider certificates
5 23 == renewal.

5 24 1. The department, upon application and receipt
5 25 of the prescribed fee, shall issue a certificate to
5 26 an individual who has met all of the requirements
5 27 for emergency medical care provider certification
5 28 established by the rules adopted under section 147A.4,
5 29 subsection 2. All fees and civil penalties received
5 30 pursuant to this section and sections 147A.5, 147A.7,
5 31 and 147A.17 shall be deposited in the emergency medical
5 32 services fund established in section 135.25.

5 33 2. Emergency medical care provider certificates
5 34 are valid for the multiyear period determined by the
5 35 department, unless sooner suspended or revoked. The
5 36 certificate shall be renewed upon application of
5 37 the holder and receipt of the prescribed fee if the
5 38 holder has satisfactorily completed continuing medical
5 39 education programs as required by rule.

5 40 3. If the certificate holder fails to complete
5 41 the required continuing education prior to the time
5 42 of renewal, the certificate holder may request a
5 43 forty=five day extension. Request for extension must
5 44 be submitted to the department prior to the expiration
5 45 date and include a fifty dollar extension fee. The
5 46 certificate may be renewed only during that forty=five
5 47 day period on submission of a completed renewal
5 48 application, and payment of applicable renewal fee.

5 49 Sec. 13. Section 147A.7, Code 2009, is amended to
5 50 read as follows:



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6 1 147A.7 Denial, suspension, or revocation of
6 2 certificates == other disciplinary action == hearing ==
6 3 appeal.
6 4 1. The department may deny an application for
6 5 issuance or renewal of an emergency medical care
6 6 provider certificate or may impose a civil penalty
6 7 not to exceed one thousand dollars upon, place on
6 8 probation, or suspend or revoke the certificate of,
6 9 or otherwise discipline the certificate holder when
6 10 it finds that the applicant or certificate holder is
6 11 guilty of any of the following acts or offenses:
6 12 a. Negligence in performing authorized services.
6 13 b. Failure to follow the directions of the
6 14 supervising physician.
6 15 c. Rendering treatment not authorized under this
6 16 subchapter.
6 17 d. Fraud in procuring certification.
6 18 e. Professional incompetency.
6 19 f. Knowingly making misleading, deceptive, untrue
6 20 or fraudulent representation in the practice of a
6 21 profession or engaging in unethical conduct or practice
6 22 harmful or detrimental to the public. Proof of actual
6 23 injury need not be established.
6 24 g. Habitual intoxication or addiction to the use of
6 25 drugs.
6 26 h. Fraud in representations as to skill or ability.
6 27 i. Willful or repeated violations of this
6 28 subchapter or of rules adopted pursuant to this
6 29 subchapter.
6 30 j. Violating a statute of this state, another
6 31 state, or the United States, without regard to its
6 32 designation as either a felony or misdemeanor, which
6 33 relates to the practice of an emergency medical care
6 34 provider. A copy of the record of conviction or plea
6 35 of guilty is conclusive evidence of the violation.
6 36 k. Having certification to practice as an emergency
6 37 medical care provider revoked or suspended, or having
6 38 other disciplinary action taken by a licensing or
6 39 certifying authority of another state, territory, or
6 40 country. A certified copy of the record or order of
6 41 suspension, revocation, or disciplinary action is
6 42 conclusive or prima facie evidence.
6 43 1. Other acts or offenses as specified by rule.
6 44 2. A determination of mental incompetence by a
6 45 court of competent jurisdiction automatically suspends
6 46 a certificate for the duration of the certificate
6 47 unless the department orders otherwise.
6 48 3. A denial, civil penalty, period of
6 49 probation, suspension, or revocation under this
6 50 section shall be effected, and may be appealed in



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7 1 accordance with the rules of the department established
7 2 pursuant to chapter 272C.

7 3 Sec. 14. Section 147A.8, Code Supplement 2009, is
7 4 amended to read as follows:

7 5 147A.8 Authority of certified emergency medical care
7 6 provider.

7 7 ~~1.~~ An emergency medical care provider properly
7 8 certified under this subchapter may:

7 9 ~~a.~~ 1. Render emergency and nonemergency medical
7 10 care, rescue, and lifesaving services in those areas
7 11 for which the emergency medical care provider is
7 12 certified, as defined and approved in accordance
7 13 with the rules of the department, at the scene of an
7 14 emergency, during transportation to a hospital or while
7 15 in the hospital emergency department, and until care
7 16 is directly assumed by a physician or by authorized
7 17 hospital personnel.

7 18 ~~b.~~ 2. Function in any hospital or any other entity
7 19 in which health care is ordinarily provided only when
7 20 under the direct supervision, as defined by rules
7 21 adopted pursuant to chapter 17A, of a physician, when
7 22 the emergency care provider is any of the following:

7 23 ~~(1)~~ a. Enrolled as a student or participating
7 24 as a preceptor in a training program approved by the
7 25 department; ~~or~~ or an agency authorized in another state
7 26 to provide initial EMS education and approved by the
7 27 department.

7 28 ~~(2)~~ b. Fulfilling continuing education
7 29 requirements as defined by rule; ~~or.~~

7 30 ~~(3)~~ c. Employed by or assigned to a hospital
7 31 or other entity in which health care is ordinarily
7 32 provided only when under the direct supervision of a
7 33 physician, as a member of an authorized ~~ambulance,~~
7 34 ~~rescue, or first response service program,~~ or in
7 35 an individual capacity, by rendering lifesaving
7 36 services in the facility in which employed or assigned
7 37 pursuant to the emergency medical care provider's
7 38 certification and under the direct supervision of a
7 39 physician, physician assistant, or registered nurse.

7 40 An emergency medical care provider shall not routinely
7 41 function without the direct supervision of a physician,
7 42 physician assistant, or registered nurse. However,
7 43 when the physician, physician assistant, or registered
7 44 nurse cannot directly assume emergency care of the
7 45 patient, the emergency medical care provider may
7 46 perform without direct supervision emergency medical
7 47 care procedures for which that individual is certified
7 48 if the life of the patient is in immediate danger and
7 49 such care is required to preserve the patient's life;

7 50 ~~or.~~



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8 1 ~~(4)~~ d. Employed by or assigned to a hospital
8 2 or other entity in which health care is ordinarily
8 3 provided only when under the direct supervision of a
8 4 physician, as a member of an authorized ~~ambulance,~~
~~8 5 rescue, or first response service program,~~ or in
8 6 an individual capacity, to perform nonlifesaving
8 7 procedures for which those individuals have been
8 8 certified and are designated in a written job
8 9 description. Such procedures may be performed after
8 10 the patient is observed by and when the emergency
8 11 medical care provider is under the supervision of the
8 12 physician, physician assistant, or registered nurse,
8 13 including when the registered nurse is not acting in
8 14 the capacity of a physician designee, and where the
8 15 procedure may be immediately abandoned without risk to
8 16 the patient.

~~8 17 2. Nothing in this subchapter shall be construed~~
~~8 18 to require any voluntary ambulance, rescue, or first~~
~~8 19 response service to provide a level of care beyond~~
~~8 20 minimum basic care standards.~~

8 21 Sec. 15. Section 147A.11, Code 2009, is amended to
8 22 read as follows:

8 23 147A.11 Prohibited acts.

8 24 1. Any person not certified as required by this
8 25 subchapter who claims to be an emergency medical care
8 26 provider, or who uses any other term to indicate or
8 27 imply that the person is an emergency medical care
8 28 provider, or who acts as an emergency medical care
8 29 provider without having obtained the appropriate
8 30 certificate under this subchapter, is guilty of a class
8 31 "D" felony.

~~8 32 2. An owner of an unauthorized ambulance, rescue,~~
~~8 33 or first response service program in this state who~~
8 34 operates or purports to operate an ambulance, rescue,
~~8 35 or first response a service program,~~ or who uses any
8 36 term to indicate or imply authorization without having
8 37 obtained the appropriate authorization under this
8 38 subchapter, is guilty of a class "D" felony.

8 39 3. Any person who imparts or conveys, or causes
8 40 to be imparted or conveyed, or attempts to impart
8 41 or convey false information concerning the need
8 42 for assistance of ~~an ambulance, rescue, or first~~
~~8 43 response a service program~~ or of any personnel or
8 44 equipment thereof, knowing such information to be
8 45 false, is guilty of a serious misdemeanor.

8 46 Sec. 16. Section 147A.12, subsection 1, Code 2009,
8 47 is amended to read as follows:

8 48 1. This subchapter does not restrict a registered
8 49 nurse, licensed pursuant to chapter 152, from
8 50 staffing an authorized ~~ambulance, rescue, or first~~



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~~9 1 response service program provided the registered~~
9 2 nurse can document equivalency through education and
9 3 additional skills training essential in the delivery of
9 4 out-of-hospital emergency care. The equivalency shall
9 5 be accepted when:
9 6 a. Documentation has been reviewed and approved
9 7 at the local level by the medical director of the
9 8 ~~ambulance, rescue, or first response service program~~ in
9 9 accordance with the rules of the board of nursing
9 10 developed jointly with the department.
9 11 b. Authorization has been granted to that
9 12 ~~ambulance, rescue, or first response service program~~ by
9 13 the department.
9 14 Sec. 17. Section 147A.13, Code 2009, is amended to
9 15 read as follows:
9 16 147A.13 Physician assistant exception.
9 17 This subchapter does not restrict a physician
9 18 assistant, licensed pursuant to chapter 148C, from
9 19 staffing an authorized ~~ambulance, rescue, or first~~
~~9 20 response service program~~ if the physician assistant
9 21 can document equivalency through education and
9 22 additional skills training essential in the delivery of
9 23 out-of-hospital emergency care. The equivalency shall
9 24 be accepted when:
9 25 1. Documentation has been reviewed and approved
9 26 at the local level by the medical director of the
9 27 ~~ambulance, rescue, or first response service program~~ in
9 28 accordance with the rules of the board of physician
9 29 assistants developed after consultation with the
9 30 department.
9 31 2. Authorization has been granted to that
9 32 ~~ambulance, rescue, or first response service program~~ by
9 33 the department.
9 34 Sec. 18. NEW SECTION. 147A.17 Applications for
9 35 emergency medical care services training programs ==
9 36 approval or denial == disciplinary actions.
9 37 1. An Iowa college approved by the north central
9 38 association of colleges and schools or an Iowa hospital
9 39 in this state that desires to provide emergency medical
9 40 care services training leading to certification as an
9 41 emergency medical care provider shall apply to the
9 42 department for authorization to establish a training
9 43 program.
9 44 2. The department shall approve an application
9 45 submitted in accordance with subsection 1 when the
9 46 department is satisfied that the program proposed by
9 47 the application will be operated in compliance with
9 48 this subchapter and the rules adopted pursuant to this
9 49 subchapter.
9 50 3. The department may deny an application for



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10 1 authorization or may impose a civil penalty not to
10 2 exceed one thousand dollars upon, place on probation,
10 3 suspend or revoke the authorization of, or otherwise
10 4 discipline a training program with an existing
10 5 authorization if the department finds reason to believe
10 6 the program has not been or will not be operated
10 7 in compliance with this subchapter and the rules
10 8 adopted pursuant to this subchapter, or that there
10 9 is insufficient assurance of adequate protection for
10 10 the public. The authorization denial, civil penalty,
10 11 period of probation, suspension, or revocation, or
10 12 other disciplinary action shall be effected and may be
10 13 appealed as provided by section 17A.12.
10 14 Sec. 19. Section 321.267A, subsection 5, Code 2009,
10 15 is amended to read as follows:
10 16 5. For the purposes of this section, "other
10 17 emergency responder" means a fire fighter certified
10 18 as a fire fighter I pursuant to rules adopted under
10 19 chapter 100B and trained in emergency driving or an
10 20 emergency medical ~~responder~~ care provider certified
10 21 under chapter 147A and trained in emergency driving.
10 22 Sec. 20. Section 724.6, subsection 2, Code
10 23 Supplement 2009, is amended to read as follows:
10 24 2. Notwithstanding subsection 1, fire fighters,
10 25 as defined in section 411.1, subsection 10, airport
10 26 fire fighters included under section 97B.49B, ~~emergency~~
~~10 27 rescue technicians,~~ and emergency medical care
10 28 providers, as defined in section 147A.1, shall not,
10 29 as a condition of employment, be required to obtain a
10 30 permit under this section. However, the provisions of
10 31 this subsection shall not apply to a person designated
10 32 as an arson investigator by the chief fire officer of
10 33 a political subdivision.>

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Senate Amendment 5279

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1 1 Amend House File 2459, as passed by the House, as
1 2 follows:
1 3 #1. Page 3, line 18, after <improvement> by
1 4 inserting <including but not limited to incentives
1 5 for participation in a watershed management authority
1 6 created under this chapter>
1 7 #2. Page 3, after line 20 by inserting:
1 8 <Sec. ____ . NEW SECTION. 466B.11 Watershed
1 9 demonstration pilot projects.
1 10 The department of natural resources and the
1 11 department of agriculture and land stewardship, in
1 12 collaboration with the United States department of
1 13 agriculture's natural resources conservation service
1 14 and the Iowa flood center established pursuant to
1 15 section 466C.1, and in cooperation with the council,
1 16 shall seek funding to plan, implement, and monitor
1 17 one or more watershed demonstration pilot projects
1 18 for urban and rural areas involving a twelve-digit
1 19 hydrologic unit code subwatershed as defined by the
1 20 United States geological survey. The pilot projects
1 21 shall include features that seek to do all of the
1 22 following:
1 23 1. Maximize soil water holding capacity from
1 24 precipitation.
1 25 2. Minimize severe scour erosion and sand
1 26 deposition during floods.
1 27 3. Manage water runoff in uplands under saturated
1 28 soil moisture conditions.
1 29 4. Reduce and mitigate structural and nonstructural
1 30 flood damage.
1 31 Sec. ____ . NEW SECTION. 466B.21 Definitions.
1 32 As used in this subchapter, unless the context
1 33 otherwise requires:
1 34 1. "Authority" means a watershed management
1 35 authority created pursuant to a chapter 28E agreement
1 36 as provided in this subchapter.
1 37 2. "Board" means a board of directors of a
1 38 watershed management authority.
1 39 3. "Political subdivision" means cities, counties,
1 40 and soil and water conservation districts.
1 41 Sec. ____ . NEW SECTION. 466B.22 Watershed
1 42 management authorities created.
1 43 1. Two or more political subdivisions may
1 44 create, by chapter 28E agreement, a watershed
1 45 management authority pursuant to this subchapter. The
1 46 participating political subdivisions must be located
1 47 in the same United States geological survey hydrologic
1 48 unit code 8 watershed.
1 49 2. The chapter 28E agreement shall include a map
1 50 showing the area and boundaries of the authority.



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Senate Amendment 5279 continued

2 1 3. A county or a soil and water conservation
2 2 district may participate in more than one authority
2 3 created pursuant to this subchapter.
2 4 4. A political subdivision is not required to
2 5 participate in a watershed management authority or be a
2 6 party to a chapter 28E agreement under this subchapter.
2 7 Sec. _____. NEW SECTION. 466B.23 Duties.
2 8 A watershed management authority may perform all of
2 9 the following duties:
2 10 1. Assess the flood risks in the watershed.
2 11 2. Assess the water quality in the watershed.
2 12 3. Assess options for reducing flood risk and
2 13 improving water quality in the watershed.
2 14 4. Monitor federal flood risk planning and
2 15 activities.
2 16 5. Educate residents of the watershed area
2 17 regarding water quality and flood risks.
2 18 6. Allocate moneys made available to the authority
2 19 for purposes of water quality and flood mitigation.
2 20 7. Make and enter into contracts and agreements
2 21 and execute all instruments necessary or incidental
2 22 to the performance of the duties of the authority.
2 23 A watershed management authority shall not acquire
2 24 property by eminent domain.
2 25 Sec. _____. NEW SECTION. 466B.24 Board of directors.
2 26 1. An authority shall be governed by a board
2 27 of directors. Members of a board of directors of
2 28 an authority shall be divided among the political
2 29 subdivisions comprising the authority and shall be
2 30 appointed by the respective political subdivision's
2 31 elected legislative body.
2 32 2. Representation on a board and the number of
2 33 directors comprising a board shall be determined by
2 34 agreement between the political subdivisions comprising
2 35 the authority.
2 36 3. The composition of the board regarding
2 37 participating cities and counties shall be based on the
2 38 proportion of the population of each participating city
2 39 or county to the total population of the participating
2 40 cities and counties. Each participating soil and water
2 41 conservation district shall have at least one director
2 42 on the board. This subsection shall not apply if a
2 43 chapter 28E agreement under this subchapter provides an
2 44 alternative board composition method.
2 45 4. The directors shall serve staggered terms of
2 46 four years. The initial board shall determine, by
2 47 lot, the initial terms to be shortened and lengthened,
2 48 as necessary, to achieve staggered terms. A person
2 49 appointed to fill a vacancy shall be appointed in
2 50 the same manner as the original appointment for the



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3 1 duration of the unexpired term. A director is eligible
3 2 for reappointment. This subsection shall not apply if
3 3 a chapter 28E agreement under this subchapter provides
3 4 an alternative for the length of term, appointment, and
3 5 reappointment of directors.

3 6 5. A board may provide procedures for the removal
3 7 of a director who fails to attend three consecutive
3 8 regular meetings of the board. If a director is
3 9 so removed, a successor shall be appointed for the
3 10 duration of the unexpired term of the removed director
3 11 in the same manner as the original appointment. The
3 12 appointing body may at any time remove a director
3 13 appointed by it for misfeasance, nonfeasance, or
3 14 malfeasance in office.

3 15 6. A board shall adopt bylaws and shall elect
3 16 one director as chairperson and one director as vice
3 17 chairperson, each for a term of two years, and shall
3 18 appoint a secretary who need not be a director.

3 19 7. A majority of the membership of a board of
3 20 directors shall constitute a quorum for the purpose
3 21 of holding a meeting of the board. The affirmative
3 22 vote of a majority of a quorum shall be necessary
3 23 for any action taken by an authority unless the
3 24 authority's bylaws specify those particular actions of
3 25 the authority requiring a greater number of affirmative
3 26 votes. A vacancy in the membership of the board shall
3 27 not impair the rights of a quorum to exercise all the
3 28 rights and perform all the duties of the authority.

3 29 Sec. ____ NEW SECTION. 466B.25 Activities
3 30 coordination.

3 31 In all activities of a watershed management
3 32 authority, the authority shall coordinate and
3 33 cooperate with the department of natural resources,
3 34 the department of agriculture and land stewardship,
3 35 councils of governments, public drinking water
3 36 utilities, and soil and water conservation districts.>

3 37 #3. Title page, by striking line 1 and inserting <An
3 38 Act relating to watersheds.>

3 39 #4. By renumbering as necessary.

ROBERT M. HOGG
HF2459.2353 (1) 83
tm/rj



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Senate File 2381 - Introduced

SENATE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB
3252)

A BILL FOR

1 An Act relating to and making transportation and other
2 infrastructure-related appropriations to the department
3 of transportation, including allocation and use of moneys
4 from the road use tax fund and the primary road fund,
5 providing for properly related matters, and making penalties
6 applicable.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 5095SV (2) 83
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2 1 cost recoveries:
 2 2 \$ 78,000
 2 3 7. For reimbursement to the auditor of state for audit
 2 4 expenses as provided in section 11.5B:
 2 5 \$ 67,319
 2 6 8. For automation, telecommunications, and related costs
 2 7 associated with the county issuance of driver's licenses and
 2 8 vehicle registrations and titles:
 2 9 \$ 1,406,000
 2 10 9. For transfer to the department of public safety for
 2 11 operating a system providing toll-free telephone road and
 2 12 weather conditions information:
 2 13 \$ 100,000
 2 14 10. For costs associated with the participation in the
 2 15 Mississippi river parkway commission:
 2 16 \$ 40,000
 2 17 11. For membership in North America's supercorridor
 2 18 coalition:
 2 19 \$ 50,000
 2 20 12. For motor vehicle division field facility maintenance
 2 21 projects at various locations:
 2 22 \$ 200,000
 2 23 For purposes of section 8.33, unless specifically provided
 2 24 otherwise, moneys appropriated in this subsection that remain
 2 25 unencumbered or unobligated shall not revert but shall remain
 2 26 available for expenditure for the purposes designated until
 2 27 the close of the fiscal year that ends three years after the
 2 28 end of the fiscal year for which the appropriation was made.
 2 29 However, if the projects for which the appropriation was
 2 30 made are completed in an earlier fiscal year, unencumbered
 2 31 or unobligated moneys shall revert at the close of that same
 2 32 fiscal year.
 2 33 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
 2 34 primary road fund created in section 313.3 to the department of
 2 35 transportation for the fiscal year beginning July 1, 2010, and



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Senate File 2381 - Introduced continued

3 1 ending June 30, 2011, the following amounts, or so much thereof
 3 2 as is necessary, to be used for the purposes designated:
 3 3 1. For salaries, support, maintenance, miscellaneous
 3 4 purposes, and for not more than the following full-time
 3 5 equivalent positions:
 3 6 a. Operations:
 3 7 \$ 40,951,274
 3 8 FTEs 312.00
 3 9 b. Planning:
 3 10 \$ 9,610,960
 3 11 FTEs 131.00
 3 12 c. Highways:
 3 13 \$237,565,726
 3 14 FTEs 2,452.00
 3 15 d. Motor vehicles:
 3 16 \$ 1,555,005
 3 17 FTEs 478.00
 3 18 2. For payments to the department of administrative
 3 19 services for utility services:
 3 20 \$ 1,382,000
 3 21 3. Unemployment compensation:
 3 22 \$ 138,000
 3 23 4. For payments to the department of administrative
 3 24 services for paying workers' compensation claims under
 3 25 chapter 85 on behalf of the employees of the department of
 3 26 transportation:
 3 27 \$ 3,278,000
 3 28 5. For disposal of hazardous wastes from field locations and
 3 29 the central complex:
 3 30 \$ 800,000
 3 31 6. For payment to the general fund of the state for indirect
 3 32 cost recoveries:
 3 33 \$ 572,000
 3 34 7. For reimbursement to the auditor of state for audit
 3 35 expenses as provided in section 11.5B:



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Senate File 2381 - Introduced continued

4	1	\$	415,181
4	2	8. For costs associated with producing transportation maps:		
4	3	.....	\$	242,000
4	4	9. For inventory and equipment replacement:		
4	5	.....	\$	2,250,000
4	6	10. For utility improvements at various locations:		
4	7	.....	\$	400,000
4	8	11. For roofing projects at various locations:		
4	9	.....	\$	200,000
4	10	12. For heating, cooling, and exhaust system improvements		
4	11	at various locations:		
4	12	.....	\$	200,000
4	13	13. For deferred maintenance projects at field facilities		
4	14	throughout the state:		
4	15	.....	\$	1,000,000
4	16	14. For federal Americans With Disabilities Act		
4	17	improvements at various locations:		
4	18	.....	\$	120,000
4	19	15. For elevator upgrades at the Ames complex:		
4	20	.....	\$	100,000
4	21	16. For wastewater treatment improvements at various		
4	22	locations:		
4	23	.....	\$	1,000,000
4	24	For purposes of section 8.33, unless specifically provided		
4	25	otherwise, moneys appropriated in subsections 10 through 16		
4	26	that remain unencumbered or unobligated shall not revert		
4	27	but shall remain available for expenditure for the purposes		
4	28	designated until the close of the fiscal year that ends		
4	29	three years after the end of the fiscal year for which the		
4	30	appropriation was made. However, if the project or projects		
4	31	for which such appropriation was made are completed in an		
4	32	earlier fiscal year, unencumbered or unobligated moneys shall		
4	33	revert at the close of that same fiscal year.		
4	34	DIVISION ii		
4	35	MISCELLANEOUS STATUTORY CHANGES		



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Senate File 2381 - Introduced continued

5 1 Sec. 3. Section 321.234A, subsection 1, paragraph a, Code
5 2 2009, is amended to read as follows:

5 3 a. The operation is between sunrise and sunset and is
5 4 incidental to the vehicle's use for agricultural purposes. For
5 5 purposes of this paragraph, "incidental to the vehicle's use
5 6 for agricultural purposes" includes stopping in the course of
5 7 agricultural use to obtain fuel for the all-terrain vehicle or
5 8 to obtain food or a nonalcoholic beverage for the operator.

5 9 Sec. 4. Section 321.445, subsection 2, Code 2009, is amended
5 10 to read as follows:

5 11 2. a. The driver and front seat occupants of a type of
5 12 motor vehicle that is subject to registration in Iowa, except a
5 13 motorcycle or a motorized bicycle, shall each wear a properly
5 14 adjusted and fastened safety belt or safety harness any time
5 15 the vehicle is in forward motion on a street or highway in this
5 16 state except that a child under ~~eleven~~ eighteen years of age
5 17 shall be secured as required under section 321.446.

5 18 b. This subsection does not apply to:

5 19 ~~a.~~ (1) The driver or front seat occupants of a motor
5 20 vehicle which is not required to be equipped with safety belts
5 21 or safety harnesses.

5 22 ~~b.~~ (2) The driver and front seat occupants of a motor
5 23 vehicle who are actively engaged in work which requires them
5 24 to alight from and reenter the vehicle at frequent intervals,
5 25 providing the vehicle does not exceed twenty-five miles per
5 26 hour between stops.

5 27 ~~c.~~ (3) The driver of a motor vehicle while performing
5 28 duties as a rural letter carrier for the United States postal
5 29 service. This exemption applies only between the first
5 30 delivery point after leaving the post office and the last
5 31 delivery point before returning to the post office.

5 32 ~~d.~~ (4) Passengers on a bus.

5 33 ~~e.~~ (5) A person possessing a written certification from
5 34 a health care provider licensed under chapter 148 or 151 on a
5 35 form provided by the department that the person is unable to



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Senate File 2381 - Introduced continued

6 1 wear a safety belt or safety harness due to physical or medical
6 2 reasons. The certification shall specify the time period for
6 3 which the exemption applies. The time period shall not exceed
6 4 twelve months, at which time a new certification may be issued
6 5 unless the certifying health care provider is from a United
6 6 States military facility, in which case the certificate may
6 7 specify a longer period of time or a permanent exemption.

6 8 ~~f.~~ (6) Front seat occupants of an authorized emergency
6 9 vehicle while they are being transported in an emergency.
6 10 However, this exemption does not apply to the driver of the
6 11 authorized emergency vehicle.

6 12 c. The department, in cooperation with the department of
6 13 public safety and the department of education, shall establish
6 14 educational programs to foster compliance with the safety belt
6 15 and safety harness usage requirements of this subsection.

6 16 Sec. 5. Section 321.446, subsections 2 and 3, Code 2009, are
6 17 amended to read as follows:

6 18 2. A child at least six years of age but under
6 19 ~~eleven~~ eighteen years of age who is being transported in
6 20 a motor vehicle subject to registration, except a school
6 21 bus or motorcycle, shall be secured during transit by a
6 22 child restraint system that is used in accordance with the
6 23 manufacturer's instructions or by a safety belt or safety
6 24 harness of a type approved under section 321.445.

6 25 3. This section does not apply to ~~peace~~ the following:

6 26 a. Peace officers acting on official duty. ~~This~~
~~6 27 section also does not apply to the~~

6 28 b. The transportation of children in 1965 model year or
6 29 older vehicles, authorized emergency vehicles, buses, or motor
6 30 homes, except when a child is transported in a motor home's
6 31 passenger seat situated directly to the driver's right. ~~This~~
~~6 32 section does not apply to the~~

6 33 c. The transportation of a child who has been certified
6 34 by a physician licensed under chapter 148 as having a
6 35 medical, physical, or mental condition that prevents or makes



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7 1 inadvisable securing the child in a child restraint system,
7 2 safety belt, or safety harness.
7 3 d. A back seat occupant of a motor vehicle for whom no
7 4 safety belt is available because all safety belts are being
7 5 used by other occupants or cannot be used due to the use of a
7 6 child restraint system in the seating position for which a belt
7 7 is provided.

7 8 EXPLANATION

7 9 This bill makes and limits appropriations for FY 2010=2011
7 10 from the road use tax fund and the primary road fund to the
7 11 department of transportation and contains miscellaneous
7 12 statutory changes relating to transportation matters. The bill
7 13 is organized by divisions.

7 14 DIVISION I == APPROPRIATIONS. Appropriations from the
7 15 road use tax fund include appropriations for driver's
7 16 license production costs, salaries, operations, planning,
7 17 motor vehicles, utility services provided by the department
7 18 of administrative services, unemployment and workers'
7 19 compensation, indirect cost recoveries, audits, county issuance
7 20 of driver's licenses and vehicle registration and titling, a
7 21 system providing toll-free telephone road and weather reports,
7 22 participation in the Mississippi river parkway commission,
7 23 membership in North America's supercorridor coalition, and
7 24 motor vehicle division field facility maintenance projects.

7 25 Appropriations from the primary road fund include
7 26 appropriations for salaries, operations, planning, highways,
7 27 motor vehicles, utility services provided by the department
7 28 of administrative services, unemployment and workers'
7 29 compensation, hazardous waste disposal, indirect cost
7 30 recoveries, audits, production of transportation maps,
7 31 inventory and equipment replacement, utility projects,
7 32 roofing projects, heating and cooling improvements, deferred
7 33 maintenance at field facilities, various federal Americans With
7 34 Disabilities Act improvements, elevator upgrades at the Ames
7 35 complex, and wastewater treatment improvements.



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8 1 DIVISION II == MISCELLANEOUS STATUTORY CHANGES. Current
8 2 law allows a person to operate an all-terrain vehicle on a
8 3 highway if the operation is incidental to the use of the
8 4 vehicle for agricultural purposes. The division specifies that
8 5 such incidental use includes stopping to obtain fuel for the
8 6 all-terrain vehicle or food or a nonalcoholic beverage for the
8 7 operator.
8 8 The division requires that all persons under 18 years of
8 9 age who are being transported in a motor vehicle, other than
8 10 a school bus or motorcycle, be secured by an approved child
8 11 restraint system or a seat belt regardless of seating position.
8 12 The division provides an exemption from child restraint
8 13 requirements in situations where a child occupying a back seat
8 14 is not restrained because all safety belts in the vehicle are
8 15 in use or cannot be used because a child restraint system is
8 16 occupying the seating position for which a belt is provided.
8 17 Pursuant to existing law, a motor vehicle operator who
8 18 violates child restraint requirements commits a simple
8 19 misdemeanor subject to a scheduled fine of \$25. However, such
8 20 offenses are not considered for purposes of determining a
8 21 habitual offender of motor vehicle laws.

LSB 5095SV (2) 83

dea/tm



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Senate Study Bill 3253

SENATE FILE

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON DVORSKY)

A BILL FOR

1 An Act relating to the collection of debt obligations owed the
2 state and cities and establishing a state debt coordinator,
3 providing a fee, and including effective date provisions.

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

TL5B 6250XC (29) 83

jm/sc



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Senate Study Bill 3253 continued

PAG LIN

1 1 Section 1. Section 8A.504, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. In the case of multiple claims to payments filed under
1 4 this section, priority shall be given to claims filed by the
1 5 child support recovery unit or the foster care recovery unit,
1 6 next priority shall be given to claims filed by the clerk of
1 7 the district court, next priority shall be given to claims
1 8 filed by the college student aid commission, next priority
1 9 shall be given to claims filed by the investigations division
1 10 of the department of inspections and appeals, ~~next priority~~
~~1 11 shall be given to claims filed by a clerk of the district~~
~~1 12 court,~~ and last priority shall be given to claims filed by
1 13 other state agencies. In the case of multiple claims in which
1 14 the priority is not otherwise provided by this subsection,
1 15 priority shall be determined in accordance with rules to be
1 16 established by the director.
1 17 Sec. 2. Section 321.40, subsection 6, Code Supplement 2009,
1 18 is amended to read as follows:
1 19 6. a. The department or the county treasurer shall refuse
1 20 to renew the registration of a vehicle registered to the
1 21 applicant if the department or the county treasurer knows that
1 22 the applicant has a delinquent account, charge, fee, loan,
1 23 taxes, or other indebtedness owed to or being collected by the
1 24 state, from information provided pursuant to sections 8A.504
1 25 and 421.17. An applicant may contest this action by requesting
1 26 a contested case proceeding from the agency that referred the
1 27 debt for collection pursuant to section 8A.504. The department
1 28 of revenue and the department of transportation shall notify
1 29 the county treasurers through the distributed teleprocessing
1 30 network of persons who owe such a delinquent account, charge,
1 31 fee, loan, taxes, or other indebtedness.
1 32 b. The county treasurer of the county of the person's
1 33 residence and in which the person's vehicle is registered,
1 34 in cooperation with the department of revenue, may collect
1 35 delinquent taxes including penalties and interest owed to



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Senate Study Bill 3253 continued

2 1 the state from a person applying for renewal of a vehicle
2 2 registration. The applicant may remit full payment of the
2 3 taxes including applicable penalties and interest, along with
2 4 a processing fee of five dollars, to the county treasurer at
2 5 the time of registration renewal. Upon full payment of the
2 6 required taxes including applicable penalties and interest,
2 7 the processing fee, and the vehicle registration fee, the
2 8 county treasurer shall issue the registration to the person.
2 9 A county treasurer collecting on behalf of the department of
2 10 revenue shall update the vehicle registration records through
2 11 the distributed teleprocessing network on a daily basis for
2 12 all persons who have paid taxes pursuant to this subsection.
2 13 A county treasurer shall forward all funds collected for the
2 14 department of revenue to the department of revenue.
2 15 Sec. 3. Section 321.40, subsection 9, Code Supplement 2009,
2 16 is amended to read as follows:
2 17 9. a. The clerk of the district court shall notify the
2 18 county treasurer of any delinquent court debt, as defined in
2 19 section 602.8107, which is being collected by the centralized
2 20 collection unit of the department of revenue pursuant to
2 21 section 602.8107, subsection 3, or the county attorney pursuant
2 22 to section 602.8107, subsection 4. The county treasurer shall
2 23 refuse to renew the vehicle registration of the applicant upon
2 24 such notification from the clerk of the district court in
2 25 regard to such applicant.
2 26 b. If the applicant enters into or renews a payment plan
2 27 that is satisfactory to the centralized collection unit of
2 28 the department of revenue, the county attorney, or the county
2 29 attorney's designee, the centralized collection unit or
2 30 the county attorney shall provide the county treasurer with
2 31 written or electronic notice of the payment plan within five
2 32 days of entering into such a plan. The county treasurer shall
2 33 temporarily lift the registration hold on an applicant for a
2 34 period of ten days if the treasurer receives such notice in
2 35 order to allow the applicant to register a vehicle for the



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3 1 year. If the applicant remains current with the payment plan
3 2 entered into with the centralized collection unit or the county
3 3 attorney or the county attorney's designee, subsequent lifts
3 4 of registration holds shall be granted without additional
3 5 restrictions.

3 6 Sec. 4. Section 321.152, Code 2009, is amended by adding the
3 7 following new subsection:

3 8 NEW SUBSECTION. 2A. The five dollar processing fee charged
3 9 by a county treasurer for collection of tax debt owed to the
3 10 department of revenue pursuant to section 321.40, subsection 6,
3 11 shall be retained for deposit in the county general fund.

3 12 Sec. 5. Section 321.153, Code 2009, is amended to read as
3 13 follows:

3 14 321.153 Treasurer's report to department.

3 15 1. The county treasurer on the tenth day of each month shall
3 16 certify to the department a full and complete statement of all
3 17 fees and penalties received by the county treasurer during
3 18 the preceding calendar month and shall remit all moneys not
3 19 retained for deposit under section 321.152 to the treasurer of
3 20 state.

3 21 2. The distributed teleprocessing network shall be used
3 22 in the collection, receipting, accounting, and reporting of
3 23 any fee collected through the registration renewal or title
3 24 process, with sufficient time and financial resources provided
3 25 for implementation.

3 26 3. This section does not apply to fees collected or retained
3 27 by a county treasurer pursuant to participation in county
3 28 issuance of driver's licenses under chapter 321M.

3 29 4. This section does not apply to processing fees charged by
3 30 a county treasurer for the collection of tax debt owed to the
3 31 department of revenue pursuant to section 321.40.

3 32 Sec. 6. NEW SECTION. 364.22B Collection of judgment debt.

3 33 1. As used in this section, "judgment debt" means any
3 34 criminal penalty, any personal judgment for a civil penalty,
3 35 or any personal or in rem judgment for the costs of abating a



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4 1 nuisance or other violation, owing to a city in any proceeding
4 2 brought as a municipal infraction under section 364.22, or in a
4 3 civil nuisance proceeding under chapter 657, or in a criminal
4 4 proceeding for a misdemeanor violation under a city ordinance.
4 5 2. Judgment debt owing to a city is deemed delinquent if it
4 6 is not paid within thirty days after the date it is assessed.
4 7 An amount which was ordered by the court to be paid on a date
4 8 fixed in the future is deemed delinquent if it is not received
4 9 by the clerk of court within thirty days after the fixed date
4 10 set out in the court order. If an amount was ordered to be
4 11 paid in installments and an installment is not received within
4 12 thirty days after the date it is due, the entire amount of the
4 13 judgment debt is deemed delinquent.
4 14 3. a. A city may contract with a private collection
4 15 designee for the collection of judgment debt sixty days after
4 16 the judgment debt in a case is deemed delinquent pursuant to
4 17 subsection 2.
4 18 b. The contract shall provide for a collection fee of up
4 19 to twenty-five percent of the amount of the balance of the
4 20 judgment debt in a case deemed delinquent. The collection
4 21 fee shall be added to the amount of the judgment debt deemed
4 22 delinquent. The amount of the judgment debt deemed delinquent
4 23 and the collection fee shall be owed by and collected from the
4 24 defendant. The collection fee shall be used to compensate the
4 25 private collection designee.
4 26 Sec. 7. Section 421.17, subsection 27, Code 2009, is amended
4 27 by adding the following new paragraph:
4 28 NEW PARAGRAPH. k. A county treasurer may collect delinquent
4 29 taxes, including penalties and interest, administered by
4 30 the department in conjunction with renewal of a vehicle
4 31 registration as provided in section 321.40, subsection 6,
4 32 paragraph "b", and rules adopted pursuant to this paragraph.
4 33 County treasurers shall be given access to information
4 34 required for the collection of delinquent taxes, including
4 35 penalties and interest, as necessary to accomplish the



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5 1 purposes of section 321.40, subsection 6, paragraph "b". The
5 2 confidentiality provisions of sections 422.20 and 422.72 do not
5 3 apply to information provided by the department to a county
5 4 treasurer pursuant to this paragraph. A county treasurer
5 5 collecting taxes, penalties, and interest administered by
5 6 the department is subject to the requirements and penalties
5 7 of the confidentiality laws of this state regarding tax or
5 8 indebtedness information. The director shall adopt rules to
5 9 implement the collection of tax debt as authorized in section
5 10 321.40 and this paragraph.

5 11 Sec. 8. Section 421.17, Code 2009, is amended by adding the
5 12 following new subsection:

5 13 NEW SUBSECTION. 31. a. To the extent permissible by
5 14 federal law, to subpoena certain records held by a public or
5 15 private utility company with respect to an individual who has
5 16 a debt or obligation placed with the centralized collection
5 17 unit of the department. The subpoena authority granted in this
5 18 subsection may be used only after reasonable efforts have been
5 19 made by the centralized collection unit to identify and locate
5 20 the individual.

5 21 b. The department may subpoena customer records, but
5 22 shall not request or require the disclosure of transaction
5 23 information, account activity, or proprietary information.

5 24 c. A public or private utility company shall respond to the
5 25 subpoenas. The subpoenas shall not be served more frequently
5 26 than quarterly.

5 27 d. The burden of showing reasonable cause to believe that
5 28 the documents or records sought by the subpoena are necessary
5 29 to assist the department under this subsection shall be upon
5 30 the director. In administering this subsection, the director
5 31 and the department shall comply with all applicable state and
5 32 federal laws pertaining to the confidentiality or privacy
5 33 of individuals or public or private utility companies. The
5 34 information and customer records obtained by the department
5 35 pursuant to this subsection are confidential records and are



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6 1 not subject to requests for examination pursuant to chapter 22.
6 2 e. A public or private utility company shall not be held
6 3 liable for any action arising as a result of providing the
6 4 records described in paragraph "b" or for any other action taken
6 5 reasonably and in good faith to comply with this subsection.

6 6 f. As used in this subsection, "public or private utility
6 7 company" means a public utility, cable, video, or satellite
6 8 television company, cellular telephone company, or internet
6 9 service provider.

6 10 Sec. 9. Section 421.17A, subsection 4, Code 2009, is amended
6 11 to read as follows:

6 12 4. Verification of accounts and immunity from liability.

6 13 a. The facility may contact a financial institution to
6 14 obtain verification of the account number, the names and
6 15 social security numbers listed for the account, and the
6 16 account balance of an account held by an obligor. Contact
6 17 with a financial institution may be by telephone or by written
6 18 communication. The financial institution may require positive
6 19 voice recognition and may require the telephone number of
6 20 the authorized person from the facility before releasing an
6 21 obligor's account information by telephone.

6 22 b. The facility and financial institutions doing business
6 23 in Iowa shall develop and operate a data match system, using
6 24 automated data exchanges to the greatest extent feasible. The
6 25 data match system shall, as provided in paragraph "c", serve as
6 26 the means by which each financial institution provides to the
6 27 facility for each calendar quarter the name, record address,
6 28 social security number or other taxpayer identification
6 29 number, and other identifying information for each obligor who
6 30 maintains an account at the institution, as identified by the
6 31 facility by name and social security number or other taxpayer
6 32 identification number.

6 33 c. (1) A financial institution shall provide the
6 34 information described in paragraph "b" through the process
6 35 developed by the department of human services pursuant to



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7 1 section 252I.4, subsection 2, and a financial institution shall
7 2 not be required to provide or match to a file more frequently
7 3 than the financial institution provides information under the
7 4 process described in section 252I.4, subsection 2.
7 5 (2) The facility and the department of human services shall
7 6 enter into a cooperative agreement to implement paragraph "b" to
7 7 the extent allowed by federal law, including Tit. IV, part
7 8 D of the Social Security Act, at no additional cost to the
7 9 department of human services.
7 10 d. (1) The facility shall pay a reasonable fee to a
7 11 financial institution for conducting the data match required
7 12 in paragraph "c". The amount of the fee shall not exceed the
7 13 lesser of either one hundred fifty dollars for each quarterly
7 14 data match conducted or the actual costs incurred by the
7 15 financial institution for each quarterly data match conducted.
7 16 (2) Notwithstanding any other provision of law to the
7 17 contrary, a financial institution shall be allowed a reasonable
7 18 amount of time to submit a claim for a fee under this
7 19 paragraph. The amount of time allowed shall be determined by
7 20 the department by rule.
7 21 ~~b.~~ e. The financial institution is immune from any civil or
7 22 criminal liability which might otherwise be incurred or imposed
7 23 for information released by the financial institution to the
7 24 facility pursuant to this section.
7 25 ~~e.~~ f. The financial institution or the facility is not
7 26 liable for the cost of any early withdrawal penalty of an
7 27 obligor's certificate of deposit.
7 28 g. The information received by the facility is confidential
7 29 and shall be used by the facility only in levy collection
7 30 activities.
7 31 h. The director shall adopt rules for the administration of
7 32 this subsection and for the implementation of the data match
7 33 system.
7 34 Sec. 10. Section 421.17A, Code 2009, is amended by adding
7 35 the following new subsections:



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8 1 NEW SUBSECTION. 9. Immunity of financial institution. A
8 2 financial institution shall not be liable either for blocking
8 3 access to or surrendering an individual's assets in response to
8 4 a levy action under this section or for any other action taken
8 5 in good faith to comply with the requirements of this section.
8 6 NEW SUBSECTION. 10. Actions not precluded. This section
8 7 shall not be construed to preclude a financial institution from
8 8 doing either of the following:
8 9 a. Recouping a deposit made to an individual's account if
8 10 the financial institution is lawfully entitled to do so.
8 11 b. Collecting standard or contractual account activity fees
8 12 to the extent such fees are necessary to maintain the account
8 13 during any period in which access to the account is blocked or
8 14 encumbered.
8 15 Sec. 11. NEW SECTION. 421C.1 State debt coordinator ==
8 16 established == duties == authority.
8 17 1. The office of the state debt coordinator is established
8 18 within the department of revenue for administrative
8 19 and budgetary purposes. The office is to be headed and
8 20 administered by the state debt coordinator.
8 21 a. The governor shall appoint the coordinator, subject
8 22 to senate confirmation. The coordinator shall possess an
8 23 expert knowledge of and skills in the field of debt collection
8 24 and have an intricate understanding of the workings of state
8 25 government. The coordinator's term of office shall be four
8 26 years, beginning July 1 of the year of appointment and ending
8 27 on June 30 of the year of expiration.
8 28 b. If a vacancy occurs in the office of the state debt
8 29 coordinator, the vacancy shall be filled for the unexpired
8 30 portion of the term in the same manner as the original
8 31 appointment was made.
8 32 c. The coordinator shall not engage in any occupation,
8 33 business, or profession that would interfere with or be
8 34 inconsistent with the coordinator's duties. The coordinator
8 35 shall not serve on or under any committee of any political



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9 1 party or actively campaign on behalf of a candidate for
9 2 elective office.

9 3 2. The duties of the coordinator shall include all of the
9 4 following:

9 5 a. Coordinating the internal operations of the office and
9 6 developing and implementing policies and procedures designed to
9 7 ensure the efficient administration of the office.

9 8 b. Appointing all personnel deemed necessary for the
9 9 administration of the functions of the office as provided by
9 10 this chapter.

9 11 c. Preparing an annual budget for the office.

9 12 d. Developing and recommending legislative proposals
9 13 deemed necessary for the continued efficiency of the office's
9 14 functions and reviewing legislative proposals related to
9 15 matters within the office's purview.

9 16 e. Reviewing the debt collection practices of each branch
9 17 of state government, except the practices related to the
9 18 collection of delinquent child support obligations.

9 19 f. Coordinating the collection efforts of each branch of
9 20 state government.

9 21 g. Making recommendations to the general assembly to improve
9 22 and increase debt collection efficiencies and practices.

9 23 h. Filing a notice of a lien and negotiating a settlement
9 24 as provided in section 421C.2.

9 25 i. Managing the debt settlement program established in
9 26 section 421C.3.

9 27 j. Accepting and maintaining county attorney collection
9 28 reports required under section 602.8107, subsection 4.

9 29 k. Accepting and reviewing county attorney applications to
9 30 the debt settlement program as required by section 421C.4.

9 31 1. Adopting rules deemed necessary for the administration of
9 32 this chapter in accordance with chapter 17A.

9 33 3. The state debt coordinator shall have the authority to
9 34 appoint a designee to carry out certain duties provided in this
9 35 chapter.



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10 1 4. Notwithstanding any other law to the contrary, the office
10 2 of the state debt coordinator shall be provided access to all
10 3 state debt collection information, including full viewing
10 4 access to the Iowa court information system, for the purpose
10 5 of collecting personal identifying information and collecting
10 6 or coordinating debt collection efforts. This section does
10 7 not apply to debt collection information related to delinquent
10 8 child support obligations.

10 9 Sec. 12. NEW SECTION. 421C.2 Notice of lien in civil
10 10 action.

10 11 1. When a debt obligation is owed the state, the state
10 12 debt coordinator shall have a lien, to the extent of the debt
10 13 obligation owed, upon all monetary claims which the debtor may
10 14 have against third parties. A lien under this section is not
10 15 effective unless the state debt coordinator files a notice
10 16 of lien with the clerk of the district court in the county
10 17 where the debtor resides and with the debtor's attorney or
10 18 other representative, if applicable. To be effective against
10 19 a monetary claim, the notice of lien must be filed before a
10 20 third party has concluded a final settlement with the debtor,
10 21 the debtor's attorney, or other representative. The third
10 22 party shall obtain a written determination from the state
10 23 debt coordinator concerning the amount of the lien before a
10 24 settlement is deemed final for purposes of this section. A
10 25 compromise, including but not limited to a settlement, waiver,
10 26 or release, of a monetary claim under this section does not
10 27 defeat the state debt coordinator's lien except upon written
10 28 agreement by the coordinator or the coordinator's designee.
10 29 A settlement, award, or judgment structured in any manner
10 30 that does not include a debt obligation owed the state does
10 31 not defeat the state court debt coordinator's lien if there
10 32 is any recovery by the debtor unless a written agreement has
10 33 been entered into between the state debt coordinator or the
10 34 coordinator's designee and the debtor.

10 35 2. The state debt coordinator shall be provided viewing



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11 1 access to the Iowa court information system as provided in
11 2 section 421C.1 to determine if a debtor owes a debt obligation
11 3 to the state.

11 4 3. The state debt coordinator's lien is valid and binding on
11 5 an attorney, insurer, or other third party only upon monetary
11 6 notice given by the state debt coordinator.

11 7 4. An insurer or attorney representing a debtor on a
11 8 monetary claim upon which the state debt coordinator has a lien
11 9 under this section shall notify the state debt coordinator
11 10 prior to negotiating a settlement offer, if the insurer or
11 11 attorney has actual knowledge of the lien.

11 12 a. Actual knowledge under this section shall include the
11 13 notice to the attorney pursuant to subsection 1.

11 14 b. The mailing and deposit in a United States post office
11 15 or public mailing box of the notice, addressed to the insurer,
11 16 attorney, or other third party at its location used for service
11 17 of original notice, is adequate legal notice of the lien.

11 18 5. Upon a judgment or settlement of a total claim by the
11 19 debtor, of which the lien for delinquent court debt is a part,
11 20 the court costs and reasonable attorney fees shall first be
11 21 deducted from the total judgment or settlement. One-third of
11 22 the remaining balance shall then be deducted and paid to the
11 23 debtor. From the remaining balance, the lien of the department
11 24 shall be paid. Any amount remaining shall be paid to the
11 25 debtor.

11 26 6. The state debt coordinator may enforce its lien by a
11 27 civil action against any liable third party if a judgment or
11 28 settlement was paid to the debtor without notifying the state
11 29 debt coordinator as provided in this section.

11 30 7. For purposes of this section the term "third party"
11 31 includes an attorney, individual, institution, corporation, or
11 32 public or private agency which is or may be liable to pay all or
11 33 part of a debtor's monetary claim.

11 34 Sec. 13. NEW SECTION. 421C.3 Debt settlement program.

11 35 1. As used in this section, "eligible debt" means all



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12 1 delinquent debt obligations owed the state, except as provided
12 2 in subsection 2. "Eligible debt" includes any interest and
12 3 penalties assessed against such debt obligations.
12 4 2. The coordinator shall establish a debt settlement
12 5 program. The program shall apply to all delinquent debt
12 6 obligations due that are classified as court debt pursuant to
12 7 section 602.8107.
12 8 3. The following debt obligations are ineligible for the
12 9 program:
12 10 a. Delinquent debt obligations that were imposed less than
12 11 four years prior to the date of the application.
12 12 b. Victim restitution as defined in section 910.1.
12 13 c. Civil penalties assessed pursuant to section 321.218A,
12 14 321.32A, or 321J.17.
12 15 d. Jail fees charged pursuant to section 356.7.
12 16 4. The following persons are ineligible for the program:
12 17 a. A person whose income level exceeds two hundred percent
12 18 of the United States poverty level as defined by the most
12 19 recently revised poverty income guidelines published by the
12 20 United States department of health and human services.
12 21 (1) The coordinator may determine that a person whose
12 22 income is at or below two hundred percent of the United States
12 23 poverty level as defined by the most recently revised poverty
12 24 income guidelines published by the United States department of
12 25 health and human services, is ineligible for the program if the
12 26 debt coordinator determines the person is able to pay the full
12 27 amount of the delinquent debt.
12 28 (2) In making the determination of a person's ability
12 29 to pay the full amount of the delinquent debt, the court
12 30 shall consider not only the person's income, but also the
12 31 availability of any assets subject to execution, including but
12 32 not limited to cash, stocks, bonds, and any other property
12 33 which may be applied to the eligible debt.
12 34 b. A person who is in jail, prison, or who is under
12 35 supervision during the period of incarceration or supervision.



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13 1 c. A person paying delinquent court debt through an
13 2 established payment plan with the clerk of the district court,
13 3 with the centralized collection unit of the department of
13 4 revenue or its designee, with a county attorney or the county
13 5 attorney's designee, or with a private collection designee.
13 6 d. A person who has previously participated in the program.
13 7 5. Under the program the state debt coordinator is
13 8 authorized to forgive not more than fifty percent of all
13 9 eligible debt obligations due.
13 10 6. The program shall provide that upon written application
13 11 and payment of the agreed upon percentage of eligible debt
13 12 obligation due to the state, the state shall forgive any
13 13 remaining balance of eligible debt obligation due and shall
13 14 not seek any contempt or civil action or criminal prosecution
13 15 against the person related to the eligible debt obligation
13 16 forgiven under the program. Upon the forgiveness of the
13 17 remaining balance of the eligible debt pursuant to the program,
13 18 the case in which the debt accrued shall be considered by the
13 19 state as paid in full.
13 20 7. The written application shall contain all case numbers
13 21 associated with the eligible debt obligation due and a general
13 22 description of such debt.
13 23 8. Failure to pay the amount agreed upon by the date
13 24 specified shall bar the person's participation in the program
13 25 for life.
13 26 9. A person who participates in the program shall relinquish
13 27 all administrative and judicial rights to challenge the
13 28 imposition and the amount of the eligible debt obligation owed.
13 29 10. If a driver's license is reinstated as a result of
13 30 participating in the program, the person shall be required to
13 31 pay a reinstatement fee as provided in section 321.191, any
13 32 civil penalty assessed pursuant to section 321.218A, 321A.32A,
13 33 or 321J.17, and provide proof of financial responsibility
13 34 pursuant to section 321A.17, if otherwise required by law.
13 35 11. Upon paying the amount required under subsection 5, the



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14 1 department of revenue shall provide the person with a certified
14 2 document detailing the case numbers paid in full under the
14 3 program. Any state department, agency, or branch shall, upon
14 4 the filing of a certified document detailing the cases paid
14 5 in full under the program, indicate in the records of the
14 6 department, agency, or branch that the case is in fact paid in
14 7 full with respect to the eligible debt obligations paid under
14 8 the program.

14 9 12. The coordinator shall prepare and make available
14 10 debt settlement application forms which contain requirements
14 11 for approval of an application. The coordinator may deny an
14 12 application that is inconsistent with this section.

14 13 13. Any department, agency, or branch shall cooperate with
14 14 the state debt coordinator in administering the program.

14 15 14. The director of revenue shall establish an account and
14 16 shall deposit in the account all receipts received under the
14 17 program. Not later than the fifteenth day of each month, the
14 18 director shall deposit amounts received with the treasurer of
14 19 state for deposit in the general fund of the state.

14 20 15. The state debt coordinator shall submit an annual
14 21 report by January 1 to the chairpersons and ranking members
14 22 of the joint appropriations subcommittee on justice systems
14 23 and the legislative services agency, detailing the amount of
14 24 debt obligations settled under the program, including the
14 25 classification of the debt settled and the county of residence
14 26 of persons who had debt settled under the program or with a
14 27 debt settlement designee as provided in section 421C.4.

14 28 Sec. 14. NEW SECTION. 421C.4 Debt settlement collection
14 29 by designees.

14 30 1. As used in this section "county attorney" means a single
14 31 county attorney office or a group of county attorney offices
14 32 whose counties have entered into an agreement pursuant to
14 33 chapter 28E pursuant to section 602.8107, subsection 4, to
14 34 collect delinquent court debt.

14 35 2. The centralized collection unit of the department of



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15 1 revenue and a county attorney collecting delinquent court debt
15 2 pursuant to section 602.8107, subsection 4, are eligible to
15 3 act as the state debt coordinator's designee under the debt
15 4 settlement program. If the centralized collection unit of
15 5 the department of revenue or a county attorney serves as the
15 6 state debt coordinator's designee the procedures of the program
15 7 established in section 421C.3 apply to the designee except as
15 8 otherwise provided in this section.

15 9 3. a. In order to be eligible to settle debt under the
15 10 program, a county attorney shall first make application to
15 11 the state debt coordinator requesting authority to act as the
15 12 state debt coordinator's designee. The state debt coordinator
15 13 shall approve each application, upon a showing of commitment
15 14 to collect delinquent court debt pursuant to section 602.8107,
15 15 subsection 4, and upon reaffirmation to continue collection
15 16 efforts pursuant to section 602.8107, subsection 4. A county
15 17 attorney is not eligible to participate in the debt settlement
15 18 program if the county attorney has been deemed ineligible under
15 19 section 602.8107, subsection 4, paragraph "g".

15 20 b. If a county attorney is approved to act as the state
15 21 debt coordinator's designee under the debt settlement program
15 22 any eligible court debt settled that is more than two years
15 23 old shall be deposited with the clerk of the district court as
15 24 provided in section 602.8107, subsection 4, and distributed
15 25 to the county in accordance with section 602.8107, subsection
15 26 4. For purposes of calculating the amounts distributed to
15 27 the county, the amounts collected by the county attorney
15 28 when acting as the state debt coordinator designee shall
15 29 be considered as any other debt collected under the county
15 30 attorney collection program pursuant to section 602.8107,
15 31 subsection 4. The remainder collected by the county attorney
15 32 acting as the state debt coordinator's designee shall be
15 33 remitted to the state court administrator as provided in
15 34 section 602.8107, subsection 4.

15 35 4. For those counties in which a county attorney is not



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16 1 acting as the state debt coordinator's designee under the debt
16 2 settlement program, or for cases the centralized collection
16 3 unit is collecting upon, the centralized collection unit of the
16 4 department of revenue may serve as the state debt coordinator's
16 5 designee.

16 6 Sec. 15. Section 422.20, subsection 3, paragraph a, Code
16 7 2009, is amended to read as follows:

16 8 a. Unless otherwise expressly permitted by section 8A.504,
16 9 section 421.17, subsections 22, 23, and 26, ~~sections~~ and
16 10 subsection 27, paragraph "k", section 252B.9, section 421.17A,
16 11 subsection 4, section 321.40, subsection 6, sections 321.120,
16 12 421.19, 421.28, 422.72, and 452A.63, and this section, a
16 13 tax return, return information, or investigative or audit
16 14 information shall not be divulged to any person or entity,
16 15 other than the taxpayer, the department, or internal revenue
16 16 service for use in a matter unrelated to tax administration.

16 17 Sec. 16. Section 422.72, subsection 3, paragraph a, Code
16 18 2009, is amended to read as follows:

16 19 a. Unless otherwise expressly permitted by section 8A.504,
16 20 section 421.17, subsections 22, 23, and 26, ~~sections~~ and
16 21 subsection 27, paragraph "k", section 252B.9, section 421.17A,
16 22 subsection 4, section 321.40, subsection 6, sections 321.120,
16 23 421.19, 421.28, 422.20, and 452A.63, and this section, a
16 24 tax return, return information, or investigative or audit
16 25 information shall not be divulged to any person or entity,
16 26 other than the taxpayer, the department, or internal revenue
16 27 service for use in a matter unrelated to tax administration.

16 28 Sec. 17. Section 602.8107, subsection 3, unnumbered
16 29 paragraph 1, Code Supplement 2009, is amended to read as
16 30 follows:

16 31 Thirty days after court debt has been assessed, or if an
16 32 installment payment is not received within thirty days after
16 33 the date it is due, the judicial branch ~~may~~ shall assign a case
16 34 to the centralized collection unit of the department of revenue
16 35 or its designee to collect debts owed to the clerk of the



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17 1 district court for a period of ~~sixty~~ one hundred twenty days,
17 2 unless a county attorney has filed with the clerk of the
17 3 district court a full commitment to collect delinquent court
17 4 debt pursuant to subsection 4. In addition, court debt which
17 5 is being collected under an installment agreement pursuant to
17 6 section 321.210B which is in default that remains delinquent
17 7 ~~may~~ shall also be assigned to the centralized collection unit
17 8 of the department of revenue or its designee for a period of
17 9 one hundred twenty days.

17 10 Sec. 18. Section 602.8107, subsection 3, paragraph c, Code
17 11 Supplement 2009, is amended by striking the paragraph.

17 12 Sec. 19. Section 602.8107, subsection 4, unnumbered
17 13 paragraph 1, Code Supplement 2009, is amended to read as
17 14 follows:

17 15 The county attorney or the county attorney's designee
17 16 may collect court debt sixty days after the court debt is
17 17 deemed delinquent pursuant to subsection 2. In order to
17 18 receive a percentage of the amounts collected pursuant to this
17 19 subsection, the county attorney must file annually with the
17 20 clerk of the district court on or before July 1 a notice of full
17 21 commitment to collect delinquent court debt ~~and must file on~~
17 22 ~~the first day of each month a list of the cases in which the~~
17 23 ~~county attorney or the county attorney's designee is pursuing~~
17 24 ~~the collection of delinquent court debt. The list shall~~
17 25 ~~include a list of cases where delinquent court debt is being~~
17 26 ~~collected under an installment agreement pursuant to section~~
17 27 ~~321.210B, and a list of cases in default which are no longer~~
17 28 ~~being collected under an installment agreement but remain~~
17 29 delinquent for all cases assigned to the county for collection
17 30 by the court. The annual notice shall contain a list of
17 31 procedures which will be initiated by the county attorney.

17 32 Sec. 20. Section 602.8107, subsection 4, paragraph f, Code
17 33 Supplement 2009, is amended by striking the paragraph.

17 34 Sec. 21. Section 602.8107, subsection 4, Code Supplement
17 35 2009, is amended by adding the following new paragraphs:



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18 1 NEW PARAGRAPH. g. Beginning July 1, 2010, and every fiscal
18 2 year thereafter, amounts collected and distributed pursuant to
18 3 this subsection shall be equal to or greater than twenty-five
18 4 thousand dollars for each county or twenty-five thousand
18 5 dollars in the aggregate for counties that have entered into an
18 6 agreement pursuant to chapter 28E. If a county, or counties
18 7 that have entered into a chapter 28E agreement, fails to meet
18 8 the minimum threshold established in this paragraph, the
18 9 county, or counties under the chapter 28E agreement, shall be
18 10 ineligible to participate in the county attorney collection
18 11 program the following fiscal year. In the event a county is
18 12 ineligible to collect under this program, the county may apply
18 13 to the state debt coordinator established in section 421C.1 to
18 14 reenter the program following the fiscal year of ineligibility.

18 15 NEW PARAGRAPH. h. A county participating in the county
18 16 attorney collection program shall file an annual collection
18 17 report with the state debt coordinator established in section
18 18 421C.1. Counties that have entered into a chapter 28E
18 19 agreement to participate in the county attorney collection
18 20 program may file one report, detailing collections in each
18 21 county that is a party to the agreement.

18 22 Sec. 22. Section 602.8107, subsection 5, paragraphs a and b,
18 23 Code Supplement 2009, are amended to read as follows:

18 24 a. The judicial branch ~~may~~ shall contract with a private
18 25 collection designee for the collection of court debt ~~sixty one~~
18 26 hundred twenty days after the court debt in a case is deemed
18 27 delinquent pursuant to subsection 2 if the county attorney
18 28 is not collecting the court debt in a case pursuant to
18 29 subsection 4. The judicial branch shall solicit requests for
18 30 proposals prior to entering into any contract pursuant to this
18 31 subsection.

18 32 b. The contract shall provide for a collection fee ~~equal of~~
18 33 up to twenty-five percent of the amount of the court debt in
18 34 a case deemed delinquent. The collection fee as calculated
18 35 shall be added to the amount of the court debt deemed



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19 1 delinquent. The amount of the court debt deemed delinquent
19 2 and the collection fee shall be owed by and collected from the
19 3 defendant. The collection fee shall be used to compensate the
19 4 private collection designee. The contract may also assess the
19 5 private collection designee an initial fee for entering into
19 6 the contract.

19 7 Sec. 23. Section 909.3, subsection 1, Code 2009, is amended
19 8 to read as follows:

19 9 1. All fines imposed by the court shall be paid on the day
19 10 the fine is imposed, and the person shall be instructed to pay
19 11 such fines with the office of the clerk of the district court
19 12 on the date of imposition.

19 13 Sec. 24. DEBT AMNESTY PROGRAM.

19 14 1. A debt amnesty program is established within the
19 15 department of revenue for a period beginning July 1, 2010,
19 16 through December 31, 2010, for any debt obligation eligible
19 17 under section 421C.3.

19 18 2. A person who is in jail or prison, or who is under
19 19 supervision, is not eligible for the program during the period
19 20 of incarceration or supervision.

19 21 3. A person who is paying delinquent court debt through
19 22 an established payment plan enumerated in section 421C.3,
19 23 subsection 4, paragraph "c", is also not eligible for the
19 24 program.

19 25 4. Under the program the director of revenue is authorized
19 26 to forgive not more than fifty percent of any eligible debt
19 27 obligation due.

19 28 5. The program shall provide that upon written application
19 29 and payment of the agreed upon percentage of eligible debt
19 30 obligation due to the state, the state shall forgive any
19 31 remaining balance of eligible debt obligation due and shall not
19 32 seek any contempt or civil action, or criminal prosecution,
19 33 against the person related to the eligible debt obligation
19 34 forgiven under the program. Upon the forgiveness of the unpaid
19 35 portion of the eligible debt pursuant to this program, the case



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20 1 in which the debt accrued shall be considered paid in full by
20 2 the state.
20 3 6. The written application shall contain all case numbers
20 4 associated with the eligible debt obligation due, and a general
20 5 description of such debt.
20 6 7. Failure to pay the amount agreed upon by the date
20 7 specified shall bar the person's participation in the program.
20 8 8. A person who participates in the program shall relinquish
20 9 all administrative and judicial rights to challenge the
20 10 imposition and the amount of eligible debt obligation owed.
20 11 9. If a driver's license is reinstated as a result of
20 12 participating in the program, the person shall be required to
20 13 pay a reinstatement fee as provided in section 321.191, any
20 14 civil penalty assessed pursuant to section 321.218A, 321A.32A,
20 15 or 321J.17, and provide proof of financial responsibility
20 16 pursuant to section 321A.17, if otherwise required by law.
20 17 10. Upon paying the amount required under subsection 5, the
20 18 department of revenue shall provide the person with a certified
20 19 document detailing the case numbers paid in full under the
20 20 program. Any state department, agency, or branch shall, upon
20 21 the filing of a certified document detailing the cases paid
20 22 in full under the program, indicate in the records of the
20 23 department, agency, or branch that the case is in fact paid in
20 24 full with respect to the eligible debt obligations paid under
20 25 the program.
20 26 11. The director shall prepare and make available
20 27 debt amnesty application forms which contain requirements
20 28 for approval of an application. The director may deny an
20 29 application that is inconsistent with this section.
20 30 12. In order to promote and market this program, the
20 31 director of the Iowa lottery shall collaborate in the use of
20 32 the television, print, and radio advertising.
20 33 13. The department of revenue shall cooperate with the
20 34 state debt coordinator in administering this program and shall
20 35 cooperate with the state debt coordinator in establishing the



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21 1 debt settlement program under section 421C.3.

21 2 14. The director of revenue shall establish an account and
21 3 shall deposit in the account all receipts received under the
21 4 program. Not later than the fifteenth day of each month, the
21 5 director shall deposit amounts received with the treasurer of
21 6 state for deposit in the general fund of the state.

21 7 15. The department of revenue by January 15, 2011, shall
21 8 provide a report to the chairpersons and ranking members
21 9 of the senate and house committee on appropriations and to
21 10 the legislative services agency that details the amounts
21 11 collected under the program, including the classification of
21 12 debt collected and the county of residence of persons granted
21 13 amnesty.

21 14 Sec. 25. COLLECTION OF COURT DEBT BY COUNTY TREASURERS ==
21 15 INTENT == STUDY.

21 16 1. It is the intent of the general assembly to implement the
21 17 collection of court debt on behalf of the clerk of the district
21 18 court at the time a person renews a motor vehicle registration
21 19 beginning July 1, 2011.

21 20 2. The state court administrator, or the state court
21 21 administrator's designee, in cooperation with the Iowa state
21 22 county treasurers association shall develop a plan to allow
21 23 county treasurers to collect restitution and delinquent court
21 24 debt on behalf of the clerk of the district court at the time a
21 25 person appears before the county treasurer to renew a vehicle
21 26 registration. The state court administrator shall submit
21 27 a report of the plan to the general assembly on or before
21 28 December 1, 2010.

21 29 Sec. 26. EFFECTIVE DATE. The sections of this Act enacting
21 30 sections 421C.3 and 421C.4 take effect January 1, 2011.

21 31 EXPLANATION

21 32 This bill establishes a state debt coordinator and relates
21 33 to the collection of state debt.

21 34 The bill changes the priority of payment under the setoff
21 35 program in Code section 8A.504 if multiple claims exist from



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22 1 various state agencies. Under the bill, claims filed by the
22 2 clerk of the district court shall be paid prior to claims from
22 3 the college student aid commission and claims filed by the
22 4 investigations division of the department of inspections and
22 5 appeals.

22 6 The bill allows a county treasurer to collect delinquent
22 7 state taxes from a person who is applying for renewal of a
22 8 motor vehicle registration. Current law requires a county
22 9 treasurer to refuse to renew a vehicle registration if the
22 10 treasurer knows that the person has a delinquent account,
22 11 charge, fee, loan, taxes, or other indebtedness owed to or
22 12 being collected by the state. The person has to address the
22 13 debt before the county treasurer can renew the registration
22 14 of the person's vehicle. The bill provides a process for
22 15 collection of delinquent taxes, including penalties and
22 16 interest, by the county treasurer in cooperation with the
22 17 department of revenue. The county treasurer may collect the
22 18 amount owed prior to issuing the registration renewal. The
22 19 treasurer is required to update the vehicle records through the
22 20 distributed teleprocessing network on a daily basis for persons
22 21 who have paid taxes to the county treasurer and forward the
22 22 amounts collected to the department of revenue.

22 23 The bill allows the department of revenue to give county
22 24 treasurers access to confidential information required for the
22 25 collection of delinquent taxes. County treasurers are subject
22 26 to requirements and penalties of confidentiality laws regarding
22 27 tax or indebtedness information. The bill requires the
22 28 director of revenue to adopt rules to implement the collection
22 29 of delinquent taxes by county treasurers.

22 30 If an applicant for renewal of a vehicle registration
22 31 chooses to make payment to the county treasurer for delinquent
22 32 taxes, the applicant is required to pay a \$5 processing fee to
22 33 the county treasurer, which is to be deposited in the county
22 34 general fund.

22 35 The bill allows the centralized collection unit of the



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23 1 department of revenue to lift the motor vehicle registration
23 2 hold on a person who enters a payment plan with the unit to pay
23 3 a court debt pursuant to Code section 602.8107, subsection 3.
23 4 The bill allows the department of revenue to establish a data
23 5 matching system with financial institutions to help identify
23 6 and locate persons who have a debt obligation with the state.
23 7 The bill allows the department of revenue to subpoena
23 8 certain records held by public and private utilities, to the
23 9 extent permissible by federal law, to be used to identify and
23 10 locate a person who has a debt obligation placed with the
23 11 centralized collection unit of the department.
23 12 The bill permits a city to contract with a private collection
23 13 designee for the collection of debts owed to a city related to
23 14 criminal or civil penalties assessed by the city. The bill
23 15 permits the private collection designee contracting with the
23 16 city to charge a collection fee of up to 25 percent of the debt.
23 17 The bill permits the fee to be added to the amount of the debt
23 18 deemed delinquent and to be used to compensate the private
23 19 collection designee.
23 20 The bill establishes a state debt coordinator within
23 21 the department of revenue for administrative and budgetary
23 22 purposes. The governor shall appoint the coordinator, subject
23 23 to senate confirmation. The bill requires the coordinator to
23 24 possess an expert knowledge of and skills in the field of debt
23 25 collection, and have an intricate understanding of the workings
23 26 of state government. The term of office is for four years.
23 27 The duties of the coordinator include reviewing the debt
23 28 collection practices of each branch of state government, except
23 29 the practices related to the collection of a delinquent child
23 30 support obligation. The duties also include coordinating
23 31 the collection efforts of each branch of state government,
23 32 making recommendations to the general assembly to increase
23 33 debt collection efficiencies and practices, filing a notice
23 34 of a lien in certain civil court actions, and managing the
23 35 debt settlement program created in the bill. The bill also



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24 1 permits the coordinator to appoint personnel deemed necessary
24 2 to administer the office's functions, adopt rules, and prepare
24 3 an annual budget.
24 4 Under the bill, when a debt obligation is owed the state the
24 5 state debt coordinator shall have a lien, to the extent of the
24 6 debt obligation owed, upon all monetary claims which the debtor
24 7 may have against third parties. A lien is not effective under
24 8 this provision unless the state debt coordinator files a notice
24 9 of lien with the clerk of the district court in the county
24 10 where the debtor resides and with the debtor's attorney, if
24 11 applicable. The bill requires the notice of lien to be filed
24 12 before a third party has concluded a final settlement with
24 13 the debtor, the debtor's attorney, or other representative.
24 14 The bill also requires a third party to obtain a written
24 15 determination from the state debt coordinator concerning the
24 16 amount of the lien before a settlement is deemed final. A
24 17 compromise, including but not limited to a settlement, waiver
24 18 or release, of a debt pursuant to the bill does not defeat the
24 19 state debt coordinator's lien except upon written agreement by
24 20 the coordinator or the coordinator's designee and the debtor.
24 21 Under the bill, if the state debt coordinator files lien in
24 22 a civil proceeding and a judgment is entered or a settlement
24 23 is achieved by the debtor, the court costs and reasonable
24 24 attorney fees shall first be deducted from this total judgment
24 25 or settlement. The bill requires one-third of the remaining
24 26 balance to be deducted and paid to the debtor. The bill
24 27 requires the remaining balance to be used to pay the lien, and
24 28 if there is a remaining balance after the payment of the lien,
24 29 the remainder shall be paid to the debtor.
24 30 Prior to negotiating a settlement offer, the bill requires
24 31 an insurer or attorney representing a debtor on a claim upon
24 32 which the state debt coordinator has a lien to notify the state
24 33 debt coordinator of the claim if the insurer or attorney has
24 34 actual knowledge of the lien. If the state debt coordinator
24 35 mails notification of the lien to any insurer or other third



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25 1 party and any attorney for the debtor, if applicable.

25 2 The bill permits the state debt coordinator to enforce its
25 3 lien by a civil action against any liable third party if a
25 4 settlement was paid to the debtor without notifying the state
25 5 debt coordinator as provided in this section.

25 6 The bill permits the state debt coordinator to have access
25 7 to all state debt collection information, excluding delinquent
25 8 child support obligations, and including the Iowa court
25 9 information system for the purpose of identifying personal
25 10 identifying information for the purpose of coordinating debt
25 11 collection efforts.

25 12 The bill creates a debt settlement program within the office
25 13 of the state debt coordinator. The provisions creating the
25 14 debt settlement program take effect January 1, 2011. The
25 15 program applies to all debt obligations owed to the state that
25 16 are classified as court debt pursuant to section 602.8107,
25 17 except that the following debt obligations are ineligible for
25 18 the program: debt that has been assessed less than four years
25 19 from the date of the application; restitution owed to a victim
25 20 as defined in Code section 910.1; civil penalties assessed
25 21 pursuant to Code section 321.218A, 321A.32A, or 321J.17; and
25 22 jail fees charged pursuant to section 356.7.

25 23 The bill provides that a person is not eligible for the
25 24 debt settlement program unless the person has an income level
25 25 at or below 200 percent of the United States poverty level as
25 26 defined by the most recently revised poverty income guidelines
25 27 published by the United States department of health and human
25 28 services. A person who is incarcerated or under supervision
25 29 is also not eligible for the program while the person is
25 30 incarcerated or under supervision.

25 31 The bill prohibits the state debt coordinator from forgiving
25 32 more than 50 percent of all eligible debt obligations due.

25 33 The bill provides that upon written application and payment
25 34 of the agreed upon percentage of eligible debt obligation due
25 35 to the state, the state shall forgive any remaining balance of



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26 1 eligible debt obligation due and shall not seek any contempt or
26 2 civil action or criminal prosecution against the person related
26 3 to the eligible debt obligation forgiven under the program.

26 4 Upon the forgiveness of the remaining balance of the eligible
26 5 debt pursuant to this program, the case under which the debt
26 6 accrued shall be considered by the state as paid in full.

26 7 The bill requires the written application to contain all
26 8 case numbers associated with the eligible debt obligation due,
26 9 and a general description of such debt.

26 10 The bill provides that upon failure to pay the amount
26 11 agreed upon by the date specified shall bar the person from
26 12 the program for life. The bill prohibits a person from
26 13 participating in the program more than once in the person's
26 14 lifetime.

26 15 The bill requires a person participating in the program to
26 16 relinquish all administrative and judicial rights to challenge
26 17 the imposition and the amount of the eligible debt obligation
26 18 owed.

26 19 The bill provides that a person paying court debt through an
26 20 established payment plan with the clerk of the district court,
26 21 the centralized collection unit of the department of revenue
26 22 or its designee, a county attorney or the county attorney's
26 23 designee, or a private collection designee is ineligible for
26 24 the program.

26 25 Under the bill, if a driver's license is reinstated as a
26 26 result of participating in the program, the person shall be
26 27 required to pay a reinstatement fee as provided in Code section
26 28 321.191, any civil penalty assessed pursuant to Code section
26 29 321.218A, 321A.32A, or 321J.17, and provide proof of financial
26 30 responsibility pursuant to Code section 321A.17, if otherwise
26 31 required by law.

26 32 Upon paying the amount of eligible debt agreed upon under the
26 33 bill, the state debt coordinator shall provide the person with
26 34 a certified document detailing the case numbers paid in full
26 35 under the program. Any state department, agency, or branch



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27 1 shall, upon the filing of a certified document detailing the
27 2 cases paid in full under the program, indicate in the records
27 3 of the department, agency, or branch that the case is in fact
27 4 paid in full with respect to the eligible debt obligations paid
27 5 under the program.

27 6 The bill requires the state debt coordinator to prepare and
27 7 make available debt settlement application forms which contain
27 8 requirements for approval of an application.

27 9 The bill requires the director of revenue to establish an
27 10 account and to deposit in the account all receipts received
27 11 under the program. Not later than the 15th day of each month,
27 12 the bill requires the director of revenue to deposit amounts
27 13 received with the treasurer of state for deposit in the general
27 14 fund of the state.

27 15 The bill requires the state debt coordinator to submit an
27 16 annual report by January 1 to the chairpersons and ranking
27 17 members of the joint appropriations subcommittee on justice
27 18 system and the legislative services agency, detailing the
27 19 amount of debt obligations settled under the program including
27 20 the classification of the debt settled, and the county of
27 21 residence of persons who had debt settled under the program,
27 22 including the county of residence for persons who settled debt
27 23 with a debt settlement designee as provided in Code section
27 24 421C.4.

27 25 The bill permits the centralized collection unit of
27 26 the department of revenue or a county attorney collecting
27 27 delinquent court debt to act as the state debt coordinator's
27 28 designee under the debt settlement program. If the centralized
27 29 collection unit of the department of revenue or a county
27 30 attorney serves as the state debt coordinator's designee, the
27 31 procedures of the program established in new Code section
27 32 421C.3 apply to the designee except as otherwise provided in
27 33 the bill.

27 34 If a county attorney desires to act as the state debt
27 35 coordinator's designee, the bill requires a county attorney or



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28 1 county attorneys acting under an agreement pursuant to Code
28 2 chapter 28E to make application to the state debt coordinator
28 3 requesting authority to act as the state debt coordinator's
28 4 designee. The state debt coordinator shall approve each
28 5 application, upon a showing of commitment to collect delinquent
28 6 court debt pursuant to Code section 602.8107, subsection 4, and
28 7 upon reaffirmation to continue collection efforts pursuant to
28 8 Code section 602.8107, subsection 4.

28 9 The bill provides that if a county attorney is approved to
28 10 act as the state debt coordinator's designee under the debt
28 11 settlement program, any eligible court debt settled that is
28 12 more than two years old shall be deposited with the clerk
28 13 of the district court as provided in Code section 602.8107,
28 14 subsection 4, and distributed to the county in accordance
28 15 with Code section 602.8107, subsection 4. For purposes
28 16 of calculating the amounts distributed to the county, the
28 17 bill requires the amounts collected by the county attorney
28 18 when acting as the state debt coordinator designee shall
28 19 be considered as any other debt collected under the county
28 20 attorney collection program pursuant to Code section 602.8107,
28 21 subsection 4. The bill requires the remainder collected by
28 22 the county attorney acting as the state debt coordinator's
28 23 designee to be remitted to the state court administrator for
28 24 distribution under Code section 602.8108.

28 25 For those counties where a county attorney is not acting as
28 26 the state debt coordinator's designee under the debt settlement
28 27 program, or for cases the centralized collection unit is
28 28 collecting upon, the bill permits the centralized collection
28 29 unit of the department of revenue to serve as the state debt
28 30 coordinator's designee.

28 31 The bill also creates a debt amnesty program that mirrors
28 32 the debt settlement program except the debt amnesty program
28 33 is established within the department of revenue beginning on
28 34 July 1, 2010, through December 31, 2010, and there is no income
28 35 restriction for persons who want to participate in the program.



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29 1 The bill requires the department of revenue by January 15,
29 2 2011, to provide a report to the chairpersons and ranking
29 3 members of the senate and house committee on appropriations,
29 4 and to the legislative services agency, that details
29 5 the amounts collected under the program including the
29 6 classification of debt collected, and the county of residence
29 7 of persons granted amnesty.
29 8 Under the bill, beginning July 1, 2010, and every fiscal year
29 9 thereafter, amounts collected and distributed pursuant to the
29 10 county attorney collection program shall be equal to or greater
29 11 than \$25,000 for each county or \$25,000 in the aggregate for
29 12 counties that have entered into an agreement pursuant to Code
29 13 chapter 28E. If a county or counties which have entered into a
29 14 Code chapter 28E agreement fail to meet the minimum threshold
29 15 established pursuant to the bill, the county or counties
29 16 under the Code chapter 28E agreement shall be ineligible to
29 17 participate in the county attorney collection program the
29 18 following fiscal year. In the event a county is ineligible
29 19 to collect under the county attorney collection program, the
29 20 county may apply to the state debt coordinator to reenter the
29 21 county attorney collection program following the fiscal year
29 22 of ineligibility.
29 23 The bill requires the judicial branch to assign all
29 24 delinquent court debt cases to the centralized debt collection
29 25 unit of the department of revenue for a period of 120 days
29 26 after the debt is deemed delinquent unless the county attorney
29 27 has committed to collecting the delinquent court in debt in the
29 28 county. Currently, the judicial branch may assign delinquent
29 29 court debt to the centralized collection unit for a period of
29 30 60 days. Current law and the bill permit the county attorney
29 31 to collect delinquent court debt 60 days after the debt is
29 32 deemed delinquent.
29 33 The bill strikes the requirement that the centralized
29 34 collection unit or the county attorney file with the clerk of
29 35 the district court a notice of the satisfaction of each portion



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30 1 of the court debt paid under the centralized collection unit or
30 2 county attorney collection program.

30 3 The bill also requires the judicial branch to contract with
30 4 a private collection designee for the collection of delinquent
30 5 court debt 60 days after the debt was deemed delinquent if the
30 6 county attorney is not collecting the court debt in the case.

30 7 The bill establishes the collection fee for the private
30 8 collection designee at up to 25 percent of the total amount
30 9 of delinquent court debt owed. Current law establishes
30 10 the collection fee at 25 percent of the total amount of the
30 11 delinquent court debt owed.

30 12 The bill expresses the general assembly's intent to
30 13 implement the collection of court debt at the time a person
30 14 renews a motor vehicle registration beginning July 1, 2011.
30 15 The state court administrator, in cooperation with the Iowa
30 16 state county treasurers association, is required to develop
30 17 a plan to allow county treasurers to collect restitution and
30 18 delinquent court debt on behalf of a clerk of the district
30 19 court at the time a person renews a vehicle registration. A
30 20 report to the general assembly regarding the plan is due on or
30 21 before December 1, 2010.

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