



Iowa General Assembly
Daily Bills, Amendments & Study Bills
January 13, 2011

House Concurrent Resolution 6 - Introduced

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY UPMEYER and McCARTHY

1 1 A Concurrent Resolution to provide for a joint
1 2 convention.
1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
1 4 SENATE CONCURRING, That a joint convention of the two
1 5 houses of the 2011 session of the Eighty=fourth General
1 6 Assembly be held on Wednesday, February 16, 2011, at
1 7 10:00 a.m.; and
1 8 BE IT FURTHER RESOLVED, That Brigadier General
1 9 Timothy Orr be invited to present his message of
1 10 the Condition of the Iowa National Guard at this
1 11 convention.

LSB 1827HQ (1) 84



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House File 33 - Introduced

HOUSE FILE
BY M. SMITH

A BILL FOR

1 An Act adding hallucinogenic substances to the list of schedule
2 I controlled substances, providing penalties, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1142HH (2) 84
jm/nh



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House File 33 - Introduced continued

PAG LIN

1 1 Section 1. Section 124.204, subsection 4, Code 2011, is
 1 2 amended by adding the following new paragraphs:
 1 3 NEW PARAGRAPH. ai. Salvia divinorum.
 1 4 NEW PARAGRAPH. aj. Salvinorin A.
 1 5 NEW PARAGRAPH. ak. Any substance, compound, mixture or
 1 6 preparation which contains any quantity of any synthetic
 1 7 cannabinoid that is not approved as a pharmaceutical, including
 1 8 but not limited to the following:
 1 9 (1) CP 47, 497 and homologues 2=[(IR, 3S)=3=
 1 10 hydroxycyclohexy]=5=(2=methyloctan=2=yl)phenol).
 1 11 (2) HU=210[(6aR,10aR)=9=(hydroxymethyl)=6,6=dimethyl=3=
 1 12 (2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
 1 13 chromen=1=ol)].
 1 14 (3) HU=211(dexanabinol, (6aS,10aS)=9=(hydroxymethyl)=6,6=
 1 15 dimethyl=3=(2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
 1 16 chromen=1=ol).
 1 17 (4) JWH=018 1=Pentyl=3=(1=naphthoy)indole.
 1 18 (5) JWH=073 1=Butyl=3=(1=naphthoy)indole.
 1 19 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
 1 20 immediate importance, takes effect upon enactment.
 1 21 EXPLANATION
 1 22 This bill adds hallucinogenic substances to the list of
 1 23 schedule I controlled substances.
 1 24 The bill adds "salvia divinorum" and "salvinorin A", also
 1 25 known as "divinorin A", to the list of schedule I controlled
 1 26 substances.
 1 27 The bill adds certain synthetic cannabinoids, also known
 1 28 as "K2", to the list of schedule I controlled substances in
 1 29 addition to the tetrahydrocannabinols and synthetic equivalents
 1 30 listed in schedule I under Code section 124.204(4)(u).
 1 31 A schedule I controlled substance is considered to have a
 1 32 high potential for abuse and no medical purpose in treatment in
 1 33 the United States.
 1 34 The bill makes it a class "C" felony pursuant to Code
 1 35 section 124.401, subsection 1, paragraph c, subparagraph



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2 1 (8), for any unauthorized person to manufacture, deliver, or
2 2 possess with the intent to manufacture or deliver, salvia
2 3 divinorum, salvinorin A, or a synthetic cannabinoid, including
2 4 its counterfeit or a simulated form, or to act with, enter into
2 5 a common scheme or design with, or conspire with one or more
2 6 other persons to manufacture, deliver, or possess with the
2 7 intent to manufacture or deliver salvia divinorum, salvinorin
2 8 A, or a synthetic cannabinoid.

2 9 The bill also makes it a serious misdemeanor pursuant to
2 10 Code section 124.401, subsection 5, for any unauthorized person
2 11 to possess salvia divinorum, salvinorin A, or a synthetic
2 12 cannabinoid.

2 13 A class "C" felony is punishable by confinement for no more
2 14 than 10 years and a fine of at least \$1,000 but not more than
2 15 \$10,000. A serious misdemeanor is punishable by confinement
2 16 for no more than one year and a fine of at least \$315 but not
2 17 more than \$1,875.

2 18 The bill takes effect upon enactment.

LSB 1142HH (2) 84

jm/nh



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House File 34 - Introduced

HOUSE FILE
BY M. SMITH

A BILL FOR

1 An Act adding hallucinogenic substances to the list of schedule
2 I controlled substances, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1152HH (5) 84
jm/nh



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PAG LIN

1 1 Section 1. Section 124.204, subsection 4, Code 2011, is
1 2 amended by adding the following new paragraphs:

1 3 NEW PARAGRAPH. ai. Salvia divinorum.

1 4 NEW PARAGRAPH. aj. Salvinorin A.

1 5 EXPLANATION

1 6 This bill adds hallucinogenic substances to the list of
1 7 schedule I controlled substances.

1 8 The bill adds "salvia divinorum" and "salvinorin A", also
1 9 known as "divinorin A", to the list of schedule I controlled
1 10 substances.

1 11 A schedule I controlled substance is considered to have a
1 12 high potential for abuse and no medical purpose in treatment in
1 13 the United States.

1 14 The bill makes it a class "C" felony pursuant to Code section
1 15 124.401, subsection 1, paragraph c, subparagraph (8), for any
1 16 unauthorized person to manufacture, deliver, or possess with
1 17 the intent to manufacture or deliver, salvia divinorum or
1 18 salvinorin A, including its counterfeit or a simulated form,
1 19 or to act with, enter into a common scheme or design with,
1 20 or conspire with one or more other persons to manufacture,
1 21 deliver, or possess with the intent to manufacture or deliver
1 22 salvia divinorum or salvinorin A.

1 23 The bill also makes it a serious misdemeanor pursuant to Code
1 24 section 124.401, subsection 5, for any unauthorized person to
1 25 possess salvia divinorum or salvinorin A.

1 26 A class "C" felony is punishable by confinement for no more
1 27 than 10 years and a fine of at least \$1,000 but not more than
1 28 \$10,000. A serious misdemeanor is punishable by confinement
1 29 for no more than one year and a fine of at least \$315 but not
1 30 more than \$1,875.

LSB 1152HH (5) 84

jm/nh



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House File 35 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act prohibiting the state board of education from adopting
2 certain federal standards and regulations without specific
3 statutory authorization.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1497YH (6) 84
kh/sc



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House File 35 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.7, subsection 26, Code 2011, is
 1 2 amended by adding the following new paragraph:
 1 3 NEW PARAGRAPH. d. The state board shall not adopt federal
 1 4 standards or regulations relating to the core curriculum
 1 5 established pursuant to this subsection or to the core content
 1 6 standards adopted pursuant to subsection 28 unless specifically
 1 7 authorized by statute to adopt such federal standards and
 1 8 regulations.

1 9 Sec. 2. Section 256.7, subsection 28, Code 2011, is amended
 1 10 to read as follows:

1 11 28. Adopt a set of core content standards applicable to
 1 12 all students in kindergarten through grade twelve in every
 1 13 school district and accredited nonpublic school. For purposes
 1 14 of this subsection, "core content standards" includes reading,
 1 15 mathematics, and science. The core content standards shall
 1 16 be identical to the core content standards included in Iowa's
 1 17 approved 2006 standards and assessment system under Tit. I
 1 18 of the federal Elementary and Secondary Education Act of
 1 19 1965, 20 U.S.C. { 6301 et seq., as amended by the federal No
 1 20 Child Left Behind Act of 2001, Pub. L. No. 107=110. School
 1 21 districts and accredited nonpublic schools shall include, at a
 1 22 minimum, the core content standards adopted pursuant to this
 1 23 subsection in any set of locally developed content standards.
 1 24 School districts and accredited nonpublic schools are strongly
 1 25 encouraged to set higher expectations in local standards. As
 1 26 changes in federal law or regulation occur, the state board ~~is~~
~~1 27 authorized to~~ shall not amend the core content standards ~~as~~
~~1 28 appropriate~~ unless specifically authorized by statute.

EXPLANATION

1 29
 1 30 This bill prohibits the state board of education from
 1 31 adopting federal standards or regulations relating to the
 1 32 core curriculum established by the state board or to the core
 1 33 content standards adopted by the state board without specific
 1 34 statutory authority to adopt the standards or regulations.

1 35 The bill also prohibits the state board from amending



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2 1 the core content standards unless specifically authorized by
2 2 statute.

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House File 36 - Introduced

HOUSE FILE
BY MURPHY

A BILL FOR

1 An Act relating to the payment of reasonable attorney fees
2 relating to an appeal of a termination of parental rights
3 order.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1117HH (4) 84
pf/nh



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House File 36 - Introduced continued

PAG LIN

1 1 Section 1. Section 600A.6B, Code 2011, is amended to read
1 2 as follows:

1 3 600A.6B Payment of attorney fees.

1 4 1. A person filing a petition for termination of parental
1 5 rights under this chapter or the person on whose behalf the
1 6 petition is filed shall be responsible for the payment of
1 7 reasonable attorney fees for counsel appointed pursuant to
1 8 section 600A.6A unless ~~the~~ one of the following conditions
1 9 exists:

1 10 a. The person filing the petition is a private child=placing
1 11 agency as defined in section 238.1 or unless the.

1 12 b. The court determines that the person filing the petition
1 13 or the person on whose behalf the petition is filed is
1 14 indigent.

1 15 c. The person filing the petition or the person on whose
1 16 behalf the petition is filed is exempt pursuant to subsection
1 17 3.

1 18 2. If the person filing the petition is a private
1 19 child=placing agency as defined in section 238.1 or if the
1 20 person filing the petition or the person on whose behalf the
1 21 petition is filed is indigent, the appointed attorney shall be
1 22 paid reasonable attorney fees as determined by the state public
1 23 defender.

1 24 3. If counsel is appointed pursuant to section 600A.6A for
1 25 hearings or proceedings connected with a request for vacation
1 26 or appeal of a termination order issued under section 600A.9,
1 27 subsection 1, paragraph "b", the person who filed the petition
1 28 for termination of parental rights or the person on whose
1 29 behalf the petition was filed shall not be responsible for the
1 30 payment of reasonable attorney fees for such counsel. Instead,
1 31 the counsel appointed pursuant to section 600A.6A shall be paid
1 32 reasonable attorney fees as determined by the state public
1 33 defender and in accordance with subsection 4.

1 34 ~~3.~~ 4. The state public defender shall review all the claims
1 35 submitted under this section and shall have the same authority



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2 1 with regard to the payment of these claims as the state public
2 2 defender has with regard to claims submitted under chapters 13B
2 3 and 815, including the authority to adopt rules concerning the
2 4 review and payment of claims submitted.

2 5 EXPLANATION

2 6 Under current law, in a termination of parental rights
2 7 proceeding, the person against whom the petition is filed has
2 8 the right to counsel in connection with all subsequent hearings
2 9 and proceedings. If that parent desires but is financially
2 10 unable to employ counsel, the court will appoint counsel if the
2 11 person requests appointment of counsel, the person is indigent,
2 12 and the court determines the person will have difficulty
2 13 presenting the person's version of the facts in dispute and
2 14 has a colorable defense to the termination of parental rights.
2 15 Under current law, unless the person filing the petition for
2 16 termination of parental rights or the person on whose behalf
2 17 the petition is filed is a child-placing agency or is indigent,
2 18 such person is responsible for payment of reasonable attorney
2 19 fees for appointed counsel.

2 20 This bill specifies an exception to payment of fees for
2 21 appointed counsel by the person filing or on whose behalf the
2 22 petition is filed. Under the bill, if an order is issued
2 23 granting the termination of parental rights petition, and
2 24 an appeal or vacation of the order is requested, the person
2 25 who filed the petition for termination of parental rights
2 26 or the person on whose behalf the petition was filed is not
2 27 responsible for the payment of reasonable attorney fees for
2 28 appointed counsel. Instead, appointed counsel is to be paid
2 29 reasonable attorney fees as determined by the state public
2 30 defender and in accordance with the process for payment of such
2 31 claims.

LSB 1117HH (4) 84
pf/nh



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House File 37 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act relating to participation in varsity interscholastic
2 athletic contests and competitions by high school students
3 participating in open enrollment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1609YH (2) 84
kh/nh



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House File 37 - Introduced continued

PAG LIN

1 1 Section 1. Section 282.18, subsection 11, Code 2011, is
1 2 amended to read as follows:
1 3 11. A pupil who participates in open enrollment for purposes
1 4 of attending a grade in grades nine through twelve in a school
1 5 district other than the district of residence is ineligible
1 6 to participate in varsity interscholastic athletic contests
1 7 and athletic competitions during the pupil's first ~~ninety~~
~~1 8 one hundred eighty~~ school days of enrollment in the district
1 9 except that the pupil may participate immediately in a varsity
1 10 interscholastic sport if the pupil is entering grade nine for
1 11 the first time and did not participate in an interscholastic
1 12 athletic competition for another school or school district
1 13 during the summer immediately following eighth grade, if the
1 14 district of residence and the other school district jointly
1 15 participate in the sport, if the sport in which the pupil
1 16 wishes to participate is not offered in the district of
1 17 residence, if the pupil chooses to use open enrollment to
1 18 attend school in another school district because the district
1 19 in which the student previously attended school was dissolved
1 20 and merged with one or more contiguous school districts under
1 21 section 256.11, subsection 12, if the pupil participates in
1 22 open enrollment because the pupil's district of residence has
1 23 entered into a whole grade sharing agreement with another
1 24 district for the pupil's grade, or if the parent or guardian
1 25 of the pupil participating in open enrollment is an active
1 26 member of the armed forces and resides in permanent housing
1 27 on government property provided by a branch of the armed
1 28 services. A pupil who has paid tuition and attended school, or
1 29 has attended school pursuant to a mutual agreement between the
1 30 two districts, in a district other than the pupil's district
1 31 of residence for at least one school year is also eligible to
1 32 participate immediately in interscholastic athletic contests
1 33 and athletic competitions under this section, but only as a
1 34 member of a team from the district that pupil had attended.
1 35 For purposes of this subsection, "school days of enrollment"



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House File 37 - Introduced continued

2 1 does not include enrollment in summer school. For purposes of
2 2 this subsection, "varsity" means the same as defined in section
2 3 256.46.

2 4 EXPLANATION

2 5 This bill extends to 180 school days the period of varsity
2 6 athletic ineligibility applicable to a high school student
2 7 participating in open enrollment. Currently, a pupil who
2 8 participates in open enrollment for purposes of attending a
2 9 grade in grades nine through 12 in a school district other
2 10 than the district of residence is ineligible to participate
2 11 in varsity interscholastic athletic contests and athletic
2 12 competitions during the pupil's first 90 school days of
2 13 enrollment.

LSB 1609YH (2) 84

kh/nh



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House File 38 - Introduced

HOUSE FILE
BY MURPHY

A BILL FOR

1 An Act relating to the assessment and taxation of platted lots
2 and including effective date and retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1133HH (4) 84
md/sc



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House File 38 - Introduced continued

PAG LIN

1 1 Section 1. Section 441.72, Code 2011, is amended to read as
1 2 follows:

1 3 441.72 Assessment of platted lots.

1 4 When a subdivision plat is recorded pursuant to chapter
1 5 354, the individual lots within the subdivision plat shall not
1 6 be assessed in excess of the total assessment of the land as
1 7 acreage or unimproved property for ~~three~~ four years after the
1 8 recording of the plat or until the lot is actually improved
1 9 with permanent construction, whichever occurs first. When an
1 10 individual lot has been improved with permanent construction,
1 11 the lot shall be assessed for taxation purposes as provided in
1 12 chapter 428 and this chapter. This section does not apply to
1 13 special assessment levies.

1 14 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
1 15 APPLICABILITY. This Act, being deemed of immediate importance,
1 16 takes effect upon enactment and applies retroactively to
1 17 January 1, 2011, for assessment years beginning on or after
1 18 that date.

1 19 EXPLANATION

1 20 Current Code section 441.72 provides that individual lots
1 21 within a subdivision plat shall not be assessed for property
1 22 tax purposes in excess of the total assessment of the land
1 23 as acreage or unimproved property for three years after the
1 24 recording of the plat or until the lot is actually improved
1 25 with permanent construction, whichever occurs first. This bill
1 26 changes the assessment limitation period from three years to
1 27 four years.

1 28 The bill takes effect upon enactment and applies
1 29 retroactively to January 1, 2011, for assessment years
1 30 beginning on or after that date.

LSB 1133HH (4) 84
md/sc



Iowa General Assembly
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House File 39 - Introduced

HOUSE FILE
BY MURPHY

A BILL FOR

1 An Act exempting commercial kennels from regulation as a
2 commercial establishment when training dogs or cats in the
3 presence of their owners, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1085HH (3) 84
da/nh



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House File 39 - Introduced continued

PAG LIN

1 1 Section 1. Section 162.11, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4. This chapter does not apply to a
1 4 commercial kennel which provides training services for dogs or
1 5 cats, if all of the following conditions are satisfied:
1 6 a. The owners of the dogs or cats are present at all times
1 7 when the training services are performed.
1 8 b. The commercial kennel is not otherwise subject to this
1 9 chapter.
1 10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
1 11 importance, takes effect upon enactment.
1 12 EXPLANATION
1 13 This bill exempts certain commercial kennels from regulation
1 14 under Code chapter 162, including licensure requirements and
1 15 the payment of associated fees. In order to be exempt, a
1 16 commercial kennel must satisfy three conditions: (1) it must
1 17 provide training services to dogs or cats; (2) the owners of
1 18 the dogs or cats must be present during the training sessions;
1 19 and (3) the commercial kennel cannot be regulated under the
1 20 Code chapter for another reason (e.g., it also boards dogs or
1 21 cats).
1 22 The bill takes effect upon enactment.
LSB 1085HH (3) 84
da/nh



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House File 40 - Introduced

HOUSE FILE
BY MURPHY

A BILL FOR

1 An Act requiring performance reviews for the executive director
2 of the board of nursing.

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

TLSB 1400HH (2) 84

jr/rj



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House File 40 - Introduced continued

PAG LIN

1 1 Section 1. Section 152.2, Code 2011, is amended to read as
1 2 follows:

1 3 152.2 Executive director ==== assistants.

1 4 The board shall appoint a full-time executive director, and

1 5 shall conduct a performance review of the executive director

1 6 at least once per year. The executive director shall be a

1 7 registered nurse and shall not be a member of the board. The

1 8 governor, with the approval of the executive council pursuant

1 9 to section 8A.413, subsection 3, under the pay plan for exempt

1 10 positions in the executive branch of government, shall set the

1 11 salary of the executive director.

1 12 EXPLANATION

1 13 This bill requires that the members of the board of nursing

1 14 conduct a performance review of the executive director at least

1 15 once per year.

LSB 1400HH (2) 84

jr/rj



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House File 41 - Introduced

HOUSE FILE
BY ISENHART and KOESTER

A BILL FOR

1 An Act creating an Iowa institute for public policy.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1103YH (2) 84
aw/sc



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House File 41 - Introduced continued

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



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



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3 1 for purposes of the Iowa public employees' retirement system,
3 2 state health and dental plans, and other state employee
3 3 benefits plans and chapter 669. Chapters 8, 8A, and 20,
3 4 and other provisions of law that relate to requirements or
3 5 restrictions dealing with state personnel or state funds, do
3 6 not apply to the institute or any employees of the board or the
3 7 institute except to the extent provided in this chapter.
3 8 5. The institute shall be funded by appropriations by the
3 9 general assembly and from other public sources which may be
3 10 approved by the board. The institute shall accept no private
3 11 funding, except long-term funding commitments of three years or
3 12 more from private foundations or nonprofit organizations solely
3 13 for the purpose of supporting the institute's employment of
3 14 students attending a postsecondary educational institution in
3 15 Iowa, which funding may not be conditioned by the institute or
3 16 the entity providing the funds to support any specific research
3 17 project or any other program undertaken by the institute. The
3 18 institute may employ such students directly or may support the
3 19 employment of students by contract. The institute may impose
3 20 registration fees on participants for conferences it organizes
3 21 and may retain the proceeds of such registration fees.

3 22 Sec. 2. REPEAL. Section 7D.15, Code 2011, is repealed.

3 23

EXPLANATION

3 24 This bill provides for the establishment of the Iowa
3 25 institute for public policy as a nonprofit corporation for
3 26 the purpose of assisting policymakers in this state in making
3 27 informed judgments about important long-term issues facing the
3 28 state and to improve the effectiveness of government in the
3 29 state.

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



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4 1 by the president of Iowa state university of science and
4 2 technology, one member appointed by the Iowa association of
4 3 independent colleges and universities, one member appointed by
4 4 the Iowa association of community college presidents, and the
4 5 director of the legislative services agency. The bill provides
4 6 that the board shall appoint co=chairpersons of the board, one
4 7 who is a state representative and one who is a state senator.
4 8 The bill provides for meetings of the board and for adoption of
4 9 bylaws for the board and the institute.
4 10 The bill provides that the board shall employ an executive
4 11 director who shall be responsible for all operations of the
4 12 institute, including the hiring and supervision of staff. The
4 13 bill provides that employees of the institute or board shall
4 14 be considered state employees for purposes of the Iowa public
4 15 employees' retirement system, state health and dental plans,
4 16 and other state employee benefits plans and the Iowa tort
4 17 claims Act. The bill also provides that the institute may be
4 18 funded from public and private sources.
4 19 Code section 7D.15, requiring the executive council to
4 20 establish a public policy research foundation, is repealed.
LSB 1103YH (2) 84
aw/sc



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House File 42 - Introduced

HOUSE FILE

BY PETTENGILL, S. OLSON,
SANDS, DEYOE, LUKAN,
WINDSCHITL, DOLECHECK,
CHAMBERS, SHAW, WATTS,
KAUFMANN, SODERBERG,
WORTHAN, PAUSTIAN, and
SCHULTZ

A BILL FOR

1 An Act repealing the Iowa plumber, mechanical professional, and
2 contractor licensing Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1260YH (2) 84
jr/sc



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House File 42 - Introduced continued

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1 1 Section 1. Section 100D.11, subsection 3, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 272C.1, subsection 6, paragraph ae, Code
1 4 2011, is amended by striking the paragraph.
1 5 Sec. 3. Section 272C.3, subsection 2, paragraph a, Code
1 6 2011, is amended to read as follows:
1 7 a. Revoke a license, or suspend a license either until
1 8 further order of the board or for a specified period, upon any
1 9 of the grounds specified in section 100D.5, ~~105.22,~~ 147.55,
1 10 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219,
1 11 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or
1 12 chapter 151 or 155, as applicable, or upon any other grounds
1 13 specifically provided for in this chapter for revocation of
1 14 the license of a licensee subject to the jurisdiction of
1 15 that board, or upon failure of the licensee to comply with a
1 16 decision of the board imposing licensee discipline.
1 17 Sec. 4. Section 272C.4, subsection 6, Code 2011, is amended
1 18 to read as follows:
1 19 6. Define by rule acts or omissions that are grounds for
1 20 revocation or suspension of a license under section 100D.5,
1 21 ~~105.22,~~ 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
1 22 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or
1 23 602.3203 or chapter 151 or 155, as applicable, and to define
1 24 by rule acts or omissions that constitute negligence, careless
1 25 acts, or omissions within the meaning of section 272C.3,
1 26 subsection 2, paragraph "b", which licensees are required to
1 27 report to the board pursuant to section 272C.9, subsection 2.
1 28 Sec. 5. Section 272C.5, subsection 2, paragraph c, Code
1 29 2011, is amended to read as follows:
1 30 c. Shall state whether the procedures are an alternative
1 31 to or an addition to the procedures stated in sections 100D.5,
1 32 ~~105.23, 105.24,~~ 148.6 through 148.9, 152.10, 152.11, 153.33,
1 33 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.
1 34 Sec. 6. REPEAL. Chapter 105, Code 2011, is repealed.
1 35 Sec. 7. DISPOSITION OF LICENSING FEES. All licensing fees



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House File 42 - Introduced continued

2 1 collected under chapter 105 shall be prorated to June 30, 2011,
2 2 and that portion of the licensing fee which represents the
2 3 remaining period of the license, following June 30, 2011, shall
2 4 be returned to the licensee.

2 5 EXPLANATION

2 6 This bill repeals the Iowa plumber, mechanical professional,
2 7 and contractor licensing Act. This repeal also eliminates
2 8 language in Code section 105.17 that provides that Code
2 9 chapter 105 supersedes and preempts all plumbing, heating,
2 10 ventilation, air conditioning (HVAC), refrigeration, hydronic,
2 11 and contracting licensing provisions of cities and counties.

2 12 The bill provides that all licensing fees collected shall
2 13 be prorated to June 30, 2011, and that the portion of the
2 14 licensing fee which represents the remaining period of the
2 15 license, following June 30, 2011, shall be returned to the
2 16 licensee.

LSB 1260YH (2) 84

jr/sc



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House File 43 - Introduced

HOUSE FILE
BY PETTENGILL

A BILL FOR

1 An Act exempting investment counseling services from state
2 sales tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1258YH (2) 84
tw/sc



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House File 43 - Introduced continued

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1 1 Section 1. Section 423.2, subsection 6, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 The sales price of any of the following enumerated services
1 4 is subject to the tax imposed by subsection 5: alteration
1 5 and garment repair; armored car; vehicle repair; battery,
1 6 tire, and allied; ~~investment counseling~~; service charges of
1 7 all financial institutions, excluding service charges for
1 8 investment counseling; barber and beauty; boat repair; vehicle
1 9 wash and wax; campgrounds; carpentry; roof, shingle, and glass
1 10 repair; dance schools and dance studios; dating services;
1 11 dry cleaning, pressing, dyeing, and laundering; electrical
1 12 and electronic repair and installation; excavating and
1 13 grading; farm implement repair of all kinds; flying service;
1 14 furniture, rug, carpet, and upholstery repair and cleaning; fur
1 15 storage and repair; golf and country clubs and all commercial
1 16 recreation; gun and camera repair; house and building moving;
1 17 household appliance, television, and radio repair; janitorial
1 18 and building maintenance or cleaning; jewelry and watch
1 19 repair; lawn care, landscaping, and tree trimming and removal;
1 20 limousine service, including driver; machine operator; machine
1 21 repair of all kinds; motor repair; motorcycle, scooter, and
1 22 bicycle repair; oilers and lubricators; office and business
1 23 machine repair; painting, papering, and interior decorating;
1 24 parking facilities; pay television; pet grooming; pipe
1 25 fitting and plumbing; wood preparation; executive search
1 26 agencies; private employment agencies, excluding services
1 27 for placing a person in employment where the principal place
1 28 of employment of that person is to be located outside of the
1 29 state; reflexology; security and detective services; sewage
1 30 services for nonresidential commercial operations; sewing
1 31 and stitching; shoe repair and shoeshine; sign construction
1 32 and installation; storage of household goods, mini-storage,
1 33 and warehousing of raw agricultural products; swimming pool
1 34 cleaning and maintenance; tanning beds or salons; taxidermy
1 35 services; telephone answering service; test laboratories,



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House File 43 - Introduced continued

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

2 15 EXPLANATION

2 16 This bill exempts the furnishing of investment counseling
2 17 services from state sales tax.



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House File 44 - Introduced

HOUSE FILE
BY FORRISTALL

A BILL FOR

1 An Act eliminating the power of a public employer to levy taxes
2 and appropriate funds as a factor in the arbitration of
3 public employee collective bargaining agreements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1572YH (2) 84
je/rj



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1 1 Section 1. Section 20.22, subsection 7, paragraph d, Code
1 2 2011, is amended by striking the paragraph.
1 3 EXPLANATION
1 4 Current law requires an arbitrator of a public employee
1 5 collective bargaining agreement to consider as a factor in
1 6 arbitration the power of a public employer to levy taxes and
1 7 appropriate funds for the conduct of its operations. This bill
1 8 strikes the requirement.
LSB 1572YH (2) 84
je/rj



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House File 45 - Introduced

HOUSE FILE
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO HSB 1)

A BILL FOR

1 An Act relating to public funding and regulatory matters and
2 making, reducing, and transferring appropriations and
3 revising fund amounts and including effective, retroactive,
4 and other applicability date provisions, and making
5 penalties applicable.

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

TLSB 1319HV (4) 84

jp/tm



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House File 45 - Introduced continued

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1 1 DIVISION I
 1 2 TAX RELIEF FUND
 1 3 Section 1. Section 8.55, subsection 2, Code 2011, is amended
 1 4 to read as follows:
 1 5 2. a. The maximum balance of the fund is the amount equal
 1 6 to two and one-half percent of the adjusted revenue estimate
 1 7 for the fiscal year. If the amount of moneys in the Iowa
 1 8 economic emergency fund is equal to the maximum balance, moneys
 1 9 in excess of this amount shall be transferred to the ~~general~~
~~1 10 tax relief fund.~~
 1 11 b. Notwithstanding paragraph "a", any moneys in excess of
 1 12 the maximum balance in the economic emergency fund after the
 1 13 distribution of the surplus in the general fund of the state
 1 14 at the conclusion of each fiscal year shall not be transferred
 1 15 to the ~~general tax relief fund of the state~~ but shall be
 1 16 transferred to the senior living trust fund. The total amount
 1 17 appropriated, reverted, or transferred, in the aggregate, under
 1 18 this paragraph, section 8.57, subsection 2, and any other law
 1 19 providing for an appropriation or reversion or transfer of an
 1 20 appropriation to the credit of the senior living trust fund,
 1 21 for all fiscal years beginning on or after July 1, 2004, shall
 1 22 not exceed the amount specified in section 8.57, subsection 2,
 1 23 paragraph "c".
 1 24 Sec. 2. NEW SECTION. 8.57E Tax relief fund.
 1 25 1. The tax relief fund is created. The fund shall be
 1 26 separate from the general fund of the state and the balance in
 1 27 the fund shall not be considered part of the balance of the
 1 28 general fund of the state. The moneys credited to the fund
 1 29 are not subject to section 8.33 and shall not be transferred,
 1 30 used, obligated, appropriated, or otherwise encumbered except
 1 31 as provided in this section.
 1 32 2. Moneys in the tax relief fund shall only be used as
 1 33 pursuant to appropriations made by the general assembly to
 1 34 reduce taxes.
 1 35 3. a. Moneys in the fund may be used for cash flow purposes



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2 1 during a fiscal year provided that any moneys so allocated are
2 2 returned to the fund by the end of that fiscal year.

2 3 b. Except as provided in section 8.58, the tax relief fund
2 4 shall be considered a special account for the purposes of
2 5 section 8.53 in determining the cash position of the general
2 6 fund of the state for the payment of state obligations.

2 7 4. Notwithstanding section 12C.7, subsection 2, interest
2 8 or earnings on moneys deposited in the tax relief fund shall
2 9 be credited to the fund.

2 10 Sec. 3. Section 8.58, Code 2011, is amended to read as
2 11 follows:

2 12 8.58 Exemption from automatic application.

2 13 1. To the extent that moneys appropriated under section
2 14 8.57 do not result in moneys being credited to the general
2 15 fund under section 8.55, subsection 2, moneys appropriated
2 16 under section 8.57 and moneys contained in the cash reserve
2 17 fund, rebuild Iowa infrastructure fund, environment first
2 18 fund, ~~and~~ Iowa economic emergency fund, and tax relief fund
2 19 shall not be considered in the application of any formula,
2 20 index, or other statutory triggering mechanism which would
2 21 affect appropriations, payments, or taxation rates, contrary
2 22 provisions of the Code notwithstanding.

2 23 2. To the extent that moneys appropriated under section
2 24 8.57 do not result in moneys being credited to the general fund
2 25 under section 8.55, subsection 2, moneys appropriated under
2 26 section 8.57 and moneys contained in the cash reserve fund,
2 27 rebuild Iowa infrastructure fund, environment first fund, ~~and~~
2 28 Iowa economic emergency fund, and tax relief fund shall not be
2 29 considered by an arbitrator or in negotiations under chapter
2 30 20.

2 31 Sec. 4. TAX RELIEF FUND ==== LEGISLATIVE INTENT. It is the
2 32 intent of the general assembly to enact appropriations from the
2 33 tax relief fund created by this division of this Act pursuant
2 34 to tax relief legislation which shall be proposed by the
2 35 standing committees on ways and means of the senate and house



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3 1 of representatives.
3 2 Sec. 5. EFFECTIVE DATE AND APPLICABILITY.
3 3 1. This division of this Act, being deemed of immediate
3 4 importance, takes effect upon enactment.
3 5 2. The amendment in this division to section 8.55, providing
3 6 for transfer of moneys from the Iowa economic emergency fund
3 7 to the tax relief fund instead of the general fund of the state
3 8 applies to transfers made from the Iowa economic emergency fund
3 9 after the effective date of this division and the state general
3 10 fund expenditure limitation calculated for the fiscal year
3 11 beginning July 1, 2011, shall be adjusted accordingly.
3 12 DIVISION II
3 13 UNIFORM PROVISIONS
3 14 Sec. 6. GROUP HEALTH INSURANCE PREMIUM COSTS FOR STATE
3 15 EMPLOYEES.
3 16 1. The state's executive and judicial branch authorities
3 17 responsible for negotiating the collective bargaining
3 18 agreements entered into under chapter 20 shall engage in
3 19 discussions with the applicable state employee organizations
3 20 to renegotiate provisions involving health insurance coverage
3 21 of state employees and their families in order to achieve cost
3 22 savings for the state. The discussions shall include but
3 23 are not limited to a requirement for a state employee who is
3 24 covered by a collective bargaining agreement and is a member of
3 25 state group health insurance plan for employees of the state
3 26 established under chapter 509A to pay at least one hundred
3 27 dollars per month of the total premium for such health plan
3 28 coverage for single persons or increase the amount paid per
3 29 month for family coverage by the same amount that would be paid
3 30 for the single persons coverage.
3 31 2. If collective bargaining agreements are renegotiated
3 32 to achieve cost savings pursuant to subsection 1, the cost
3 33 savings provisions shall also apply to state employees who are
3 34 not covered by collective bargaining as provided in chapter
3 35 20 and are members of a state group health insurance plan for



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4 1 employees of the state established under chapter 509A.
4 2 3. Beginning on the effective date of this section or
4 3 March 1, 2011, whichever is earlier, a state legislator or
4 4 legislative staff member who is a member of a state group
4 5 health insurance plan for employees of the state established
4 6 under chapter 509A shall pay at least one hundred dollars per
4 7 month of the total premium for such health care coverage for
4 8 single persons or increase the amount paid per month for family
4 9 coverage by the same amount that would be paid for the single
4 10 persons coverage. The payment amount shall be determined
4 11 by the legislative council, subject to the minimum amount
4 12 specified in this subsection.
4 13 Sec. 7. STATE AGENCY OFFICE SUPPLIES, OUTSIDE SERVICES
4 14 PURCHASE, EQUIPMENT PURCHASES, PRINTING AND BINDING,
4 15 INFORMATION TECHNOLOGY, AND MARKETING.
4 16 1. For the purposes of this section, "department" means the
4 17 same as defined in section 8.2.
4 18 2. a. For the period beginning on the effective date of
4 19 this section through the close of the fiscal year ending on
4 20 June 30, 2011, each state department shall be subject to a
4 21 limitation on expenditures made on or after the effective date
4 22 of this section for office supplies, outside services purchase,
4 23 purchases of equipment, office equipment, and equipment
4 24 noninventory, printing and binding, information technology, and
4 25 marketing in accordance with this section.
4 26 b. The limitation shall be equal to 50 percent of the
4 27 unexpended or unencumbered amount that a department has
4 28 budgeted or otherwise designated for purposes of office
4 29 supplies, outside services purchase, purchases of equipment,
4 30 office equipment, and equipment noninventory, printing and
4 31 binding, information technology, and marketing from the
4 32 appropriations made from all sources for the fiscal year
4 33 beginning July 1, 2010, and ending June 30, 2011, to the
4 34 department from all sources, as of the effective date of this
4 35 section.



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5 1 c. If another provision of this Act directs a department
5 2 to apply a limitation on expenditures made for information
5 3 technology or reduces the information technology portion of
5 4 an appropriation made to the department, such limitation or
5 5 reduction shall be in lieu of the limitation on expenditures
5 6 for information technology otherwise applicable under
5 7 this subsection. The limitation on information technology
5 8 expenditures otherwise required by this subsection does not
5 9 apply to services provided by the public broadcasting division
5 10 of the department of education or such expenditures for
5 11 information technology previously approved for the division.

5 12 3. For the period beginning on the effective date of this
5 13 section through the close of the fiscal year ending on June 30,
5 14 2011, out-of-state travel by an employee of a department, which
5 15 travel is funded in whole or in part by an appropriation from
5 16 the general fund of the state, shall not be authorized unless
5 17 a waiver for the travel is approved by the executive council.
5 18 The executive council shall adopt waiver criteria based on the
5 19 relative importance of the travel to fulfilling statutorily
5 20 required duties, the potential for the travel to bring cost
5 21 savings or enhanced revenues for the state, and other means
5 22 to determine whether the benefit or potential benefit of the
5 23 travel significantly outweighs the potential cost.

5 24 4. The committees on appropriations of the senate and
5 25 house of representatives shall recommend legislation applying
5 26 a directive for the executive branch to implement a master
5 27 marketing contract for state agencies that commences on or
5 28 before July 1, 2011.

5 29 5. The reductions in appropriations made in another
5 30 division of this Act, by amendment to 2010 Iowa Acts, chapter
5 31 1183, section 10, applicable to the state board of regents
5 32 and institutions under the state board, are in lieu of the
5 33 limitations on expenditures and travel that would otherwise be
5 34 applied to the state board and the institutions under the state
5 35 board pursuant to this section.



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6 1 6. The appropriations to which the expenditure reductions
6 2 required by this section are attributed shall be reduced by the
6 3 amount of the expenditure reductions. Within 30 days of the
6 4 enactment date of this section, the department of management
6 5 shall apply such appropriation reductions and shall submit a
6 6 report to the general assembly and legislative services agency
6 7 itemizing the expenditure and appropriation reductions applied.

6 8 Sec. 8. STATE RECORDS STORAGE. The agencies of state
6 9 government that have state records stored in locations within
6 10 flood plains shall, within six months of the effective date of
6 11 this storage, find storage space for the records that is not
6 12 located within a flood plain.

6 13 Sec. 9. REVENUE ESTIMATING CONFERENCE MEETING. Upon the
6 14 request of the speaker of the house of representatives or
6 15 the majority leader of the senate, the revenue estimating
6 16 conference shall meet on a date in February or March 2011, as
6 17 specified in the request. At this meeting, in addition to the
6 18 estimates normally agreed to at the meetings of the conference,
6 19 the conference shall also agree on estimates for fiscal year
6 20 2012=2013.

6 21 Sec. 10. Section 7E.3, Code 2011, is amended by adding the
6 22 following new subsection:

6 23 NEW SUBSECTION. 5. Adult unauthorized aliens. Unless
6 24 expressly authorized by federal or state law, ensure that the
6 25 public benefits administered by the department or independent
6 26 agency are not provided to adults who are unauthorized aliens
6 27 not lawfully present in the United States.

6 28 Sec. 11. NEW SECTION. 8A.440 Group health insurance premium
6 29 costs.

6 30 1. Collective bargaining agreements entered into pursuant
6 31 to chapter 20 for state employees shall provide that a state
6 32 employee covered by that agreement who is a member of a
6 33 state group health insurance plan for employees of the state
6 34 established under chapter 509A shall pay at least one hundred
6 35 dollars per month of the total premium for such insurance for



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7 1 single persons or increase the amount paid per month for family
7 2 coverage by the same amount that would be paid for the single
7 3 persons coverage.

7 4 2. A state employee not covered by a collective bargaining
7 5 agreement as provided in chapter 20 who is a member of a
7 6 state group health insurance plan for employees of the state
7 7 established under chapter 509A shall pay the same amount per
7 8 month of the total premium for such insurance as is paid under
7 9 the collective bargaining agreement that covers the greatest
7 10 number of state employees in the state government entity
7 11 employing the state employee.

7 12 Sec. 12. Section 68B.8, Code 2011, is amended by adding the
7 13 following new unnumbered paragraph:

7 14 NEW UNNUMBERED PARAGRAPH A state agency of the executive
7 15 branch of state government shall not employ a person through
7 16 the use of its public funds whose position with the agency is
7 17 primarily representing the agency relative to the passage,
7 18 defeat, approval, or modification of legislation that is being
7 19 considered by the general assembly.

7 20 Sec. 13. APPLICABILITY. The provision of this division
7 21 of this Act enacting section 8A.440, applies to collective
7 22 bargaining agreements entered into on or after the effective
7 23 date of this division of this Act.

7 24 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this
7 25 Act, being deemed of immediate importance, takes effect upon
7 26 enactment.

7 27 DIVISION III

7 28 ADMINISTRATION AND REGULATION

7 29 Sec. 15. JOINT APPROPRIATIONS SUBCOMMITTEE ON
7 30 ADMINISTRATION AND REGULATION REQUIREMENTS. The joint
7 31 appropriations subcommittee on administration and regulation
7 32 shall develop and, on or before April 4, 2011, shall submit
7 33 recommended implementation provisions to the general assembly's
7 34 committees on appropriations in proposed legislation concerning
7 35 all of the following:



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8 1 1. Eliminating and selling the pool of state-owned
8 2 passenger vehicles located in Polk county for temporary
8 3 assignment to multiple drivers of a department or agency that
8 4 is located within Polk county. The recommendations shall not
8 5 encompass vehicles assigned for law enforcement purposes or for
8 6 specialized use by the department of natural resources.

8 7 2. Outsourcing state vehicle leasing through a private
8 8 entity to fill the needs addressed by the vehicles subject to
8 9 sale under subsection 1.

8 10 Sec. 16. DEPARTMENT OF ADMINISTRATIVE SERVICES ====
8 11 STATE=OWNED PASSENGER VEHICLES.

8 12 1. Consistent with the requirements of section 8A.361, for
8 13 the period beginning on the effective date of this section
8 14 and ending June 30, 2011, the department of administrative
8 15 services shall be the sole department authorized to operate a
8 16 pool of passenger vehicles located in Polk county for temporary
8 17 assignment to multiple drivers of a state department or agency
8 18 that is located within Polk county. For that period, the
8 19 department shall not purchase new passenger vehicles for the
8 20 pool.

8 21 2. For purposes of this section, "passenger vehicles"
8 22 means United States environmental protection agency designated
8 23 compact sedans, compact wagons, midsize sedans, midsize
8 24 wagons, full-size sedans, and passenger minivans. "Passenger
8 25 vehicles" does not mean utility vehicles, vans other than
8 26 passenger minivans, fire trucks, ambulances, motor homes,
8 27 buses, medium-duty and heavy-duty trucks, heavy construction
8 28 equipment, and other highway maintenance vehicles, vehicles
8 29 assigned for law enforcement purposes, vehicles assigned for
8 30 specialized use by the department of natural resources, and any
8 31 other classes of vehicles of limited application approved by
8 32 the director of the department of administrative services.

8 33 Sec. 17. DEPARTMENT OF ADMINISTRATIVE SERVICES ==== OFFICE
8 34 SPACE ==== COST=BENEFIT ANALYSIS. Following the filing of the
8 35 cost-benefit analysis required pursuant to 2010 Iowa Acts,



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9 1 chapter 1184, section 49, the department of administrative
9 2 services shall locate state employees in office space in the
9 3 most cost=efficient manner possible. However, the department
9 4 shall not pay penalties for the early termination of a lease
9 5 for office space outside of the capitol complex.

9 6 Sec. 18. SALE OR LEASE OF IOWA COMMUNICATIONS NETWORK. The
9 7 Iowa telecommunications and technology commission shall
9 8 implement a request for proposals process to sell or lease
9 9 the Iowa communications network, or to lease capacity on
9 10 the network as provided in section 8D.13A. The request for
9 11 proposals shall provide for the sale to be concluded or the
9 12 lease to commence during the fiscal year beginning July 1,
9 13 2011. The commission shall condition the sale or lease of the
9 14 Iowa communications network with terms that will allow existing
9 15 authorized users of the network to continue such use at a
9 16 lower overall long=term cost when compared to the anticipated
9 17 operation and maintenance costs if state ownership and control
9 18 were to continue. The commission shall ensure that a lease
9 19 for capacity on the network is subject to terms and conditions
9 20 that will ensure continued access to the network by existing
9 21 authorized users while also satisfying the requirements of
9 22 section 8D.13A. Public funds shall not be used to secure
9 23 the purchase of the network. The commission shall submit
9 24 periodic status reports to the general assembly at three=month
9 25 intervals, beginning on October 1, 2011, regarding progress
9 26 made toward selling or leasing the network.

9 27 Sec. 19. TRANSFER FROM CASH RESERVE FUND. Any amount
9 28 transferred by the department of management from the cash
9 29 reserve fund pursuant to 2010 Iowa Acts, chapter 1193, section
9 30 28, to an appropriation made from any source to the Iowa ethics
9 31 and campaign disclosure board for the fiscal year beginning
9 32 July 1, 2010, and ending June 30, 2011, is transferred to the
9 33 cash reserve fund on the effective date of this section.

9 34 Sec. 20. NEW SECTION. 8D.13A Lease of network capacity.
9 35 1. Notwithstanding any provision of this chapter to the



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10 1 contrary, the commission is authorized to enter into leases to
10 2 provide access to the network to qualified providers who are
10 3 not otherwise authorized to use the network for the purpose of
10 4 reselling that access on a wholesale or retail basis. A lease
10 5 entered into pursuant to this section shall be in accordance
10 6 with terms and conditions agreed to between such provider and
10 7 the commission. The commission shall not benefit one provider
10 8 over another through the terms and conditions established for
10 9 access to the network and each provider shall be responsible
10 10 for all costs associated with becoming a part of the network or
10 11 using the network to deliver services on a wholesale or retail
10 12 basis.

10 13 2. Leases entered into pursuant to this section shall
10 14 be based upon terms that comply with all of the following
10 15 requirements:

10 16 a. Sufficient revenue is provided to cover the costs of
10 17 network operation as determined by the commission.

10 18 b. Access to network capacity is provided at a cost to
10 19 the qualified providers that results in lower costs to the
10 20 customers of such providers.

10 21 3. Notwithstanding section 8D.14, subsection 1, at the
10 22 close of each fiscal year, the commission shall transfer to the
10 23 general fund of the state all remaining funds after the payment
10 24 of the expenses of operating and maintaining the network which
10 25 shall include but is not limited to retention of sufficient
10 26 funds to cover sixty days of network costs.

10 27 Sec. 21. 2010 Iowa Acts, chapter 1189, section 7, is amended
10 28 to read as follows:

10 29 SEC. 7. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There
10 30 is appropriated from the general fund of the state to the
10 31 Iowa ethics and campaign disclosure board for the fiscal year
10 32 beginning July 1, 2010, and ending June 30, 2011, the following
10 33 amount, or so much thereof as is necessary, for the purposes
10 34 designated:

10 35 For salaries, support, maintenance, and miscellaneous



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11	1	purposes, and for not more than the following full-time	
11	2	equivalent positions:	
11	3	\$ <u>537,256</u>
11	4		<u>475,608</u>
11	5 FTEs	<u>5.00</u>
11	6		<u>4.00</u>

11 7 Sec. 22. 2010 Iowa Acts, chapter 1193, section 29, is
11 8 amended to read as follows:

11 9 SEC. 29. DEPARTMENT OF ADMINISTRATIVE SERVICES ====

11 10 INFORMATION TECHNOLOGY. There is appropriated from the general
11 11 fund of the state to the department of administrative services
11 12 for the fiscal year beginning July 1, 2010, and ending June 30,
11 13 2011, the following amount, or so much thereof as is necessary,
11 14 to be used for the purposes designated:

11 15 For implementing 2010 Iowa Acts, Senate File 2088, division
11 16 I, including salaries, support, maintenance, and miscellaneous
11 17 purposes:
11 18 \$ 2,300,000

11 19 1. For the period beginning on the effective date of this
11 20 section through June 30, 2011, the department of administrative
11 21 services shall be subject to a limitation on expenditures made
11 22 for information technology procurement equal to 50 percent
11 23 of the unexpended or unencumbered amount remaining from the
11 24 appropriation made in this section, as of the effective date of
11 25 this section.

11 26 2. Notwithstanding any provision to the contrary,
11 27 commencing with the fiscal year beginning July 1, 2011,
11 28 the department of management shall designate the department
11 29 of administrative services as the provider for information
11 30 technology services for purposes of providing such services to
11 31 agencies and other governmental entities with the following
11 32 exceptions:

- 11 33 a. The office of the governor or the office of an elective
- 11 34 constitutional or statutory officer.
- 11 35 b. The general assembly, or any office or unit under its



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12 1 administrative authority.

12 2 c. The judicial branch, as provided in section 602.1102.

12 3 d. A political subdivision of the state or its offices

12 4 or units, including but not limited to a county, city, or

12 5 community college.

12 6 e. The state board of regents and institutions operated

12 7 under the authority of the state board of regents.

12 8 f. The department of public defense, including both the

12 9 military division and the homeland security and emergency

12 10 management division.

12 11 3. Pursuant to the procedures provided in section 8A.202,

12 12 an agency or other governmental entity may seek a waiver from

12 13 receiving information technology services from the department

12 14 of administrative services.

12 15 Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this

12 16 Act, being deemed of immediate importance, takes effect upon

12 17 enactment.

12 18

DIVISION IV

12 19

AGRICULTURE AND NATURAL RESOURCES

12 20

Sec. 24. DEPARTMENT OF NATURAL RESOURCES ==== REAL PROPERTY

12 21

ACQUISITION CURTAILED.

12 22

1. Notwithstanding any provision to the contrary, for the

12 23

period beginning on the effective date of this section through

12 24

the close of the fiscal year ending on June 30, 2011, the

12 25

department of natural resources shall not enter into a new

12 26

arrangement to acquire or otherwise control real property.

12 27

2. For the purposes of this section, "new arrangement" means

12 28

an obligation entered into on or after the effective date of

12 29

this section. An obligation includes but is not limited to

12 30

an agreement, contract, lease=purchase arrangement, or any

12 31

other instrument leading to state ownership or control of real

12 32

property that was not previously owned or controlled by the

12 33

state. "New arrangement" does not include a real property

12 34

acquisition or control project for which an appropriation to

12 35

the department was encumbered prior to the effective date of



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13 1 this section. "New arrangement" does not include a donated
13 2 real property acquisition or control project received or
13 3 entered into on or after the effective date of this section.

13 4 3. This section, being deemed of immediate importance,
13 5 takes effect upon enactment.

13 6 Sec. 25. 2010 Iowa Acts, chapter 1191, section 20, is
13 7 amended to read as follows:

13 8 SEC. 20. IOWA RESOURCES ENHANCEMENT AND PROTECTION
13 9 FUND. Notwithstanding the amount of the standing appropriation
13 10 from the general fund of the state to the Iowa resources
13 11 enhancement and protection fund as provided in section
13 12 455A.18, there is appropriated from the environment first fund
13 13 created in section 8.57A to the Iowa resources enhancement
13 14 and protection fund, in lieu of the appropriation made in
13 15 section 455A.18, for the fiscal year beginning July 1, 2010,
13 16 and ending June 30, 2011, the following amount, to be allocated
13 17 as provided in section 455A.19:

13 18	\$ 15,000,000
13 19	<u>11,931,189</u>

13 20 Sec. 26. EFFECTIVE UPON ENACTMENT. This division of this
13 21 Act, being deemed of immediate importance, takes effect upon
13 22 enactment.

13 23 DIVISION V
13 24 ECONOMIC DEVELOPMENT

13 25 Sec. 27. Section 15.108, subsection 5, paragraph c, Code
13 26 2011, is amended to read as follows:

13 27 c. Coordinate and develop with the department of
13 28 transportation, the department of natural resources, the
13 29 department of cultural affairs, ~~the generation Iowa commission,~~
13 30 the vision Iowa board, other state agencies, and local and
13 31 regional entities public interpretation, marketing, and
13 32 education programs that encourage Iowans and out-of-state
13 33 visitors to participate in the recreational and leisure
13 34 opportunities available in Iowa. The department shall
13 35 establish and administer a program that helps connect both



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14 1 Iowa residents and residents of other states to new and
14 2 existing Iowa experiences as a means to enhance the economic,
14 3 social, and cultural well-being of the state. The program
14 4 shall include a broad range of new opportunities, both rural
14 5 and urban, including main street destinations, green space
14 6 initiatives, and artistic and cultural attractions.
14 7 Sec. 28. 2010 Iowa Acts, chapter 1184, section 43, is
14 8 amended to read as follows:
14 9 SEC. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.
14 10 1. There is appropriated from the school infrastructure
14 11 fund created in section 12.82 to the department of economic
14 12 development for deposit in the save our small businesses fund
14 13 for the fiscal year beginning July 1, 2010, and ending June 30,
14 14 2011, the following amount, or so much thereof as is necessary,
14 15 to be used for the purposes designated:
14 16 For purposes of providing financial assistance under the
14 17 save our small businesses program under section 15.301:
14 18 \$ 5,000,000
14 19 Of the moneys appropriated pursuant to this section, the
14 20 department may allocate an amount not to exceed two percent of
14 21 the moneys appropriated for purposes of retaining the services
14 22 of an organization designated pursuant to section 15.301,
14 23 subsection 2, paragraph "b".
14 24 2. On the effective date of this section of this 2011 Iowa
14 25 Act, any unobligated and unencumbered moneys appropriated in
14 26 this section shall revert to the school infrastructure fund.
14 27 Sec. 29. 2010 Iowa Acts, chapter 1186, section 1, subsection
14 28 11, is amended to read as follows:
14 29 11. For membership in North America's supercorridor
14 30 coalition:
14 31 \$ 50,000
14 32 Beginning July 1, 2011, the department shall not renew
14 33 membership in North America's supercorridor coalition.
14 34 Sec. 30. REPEAL. Sections 15.300 and 15.301, Code 2011,
14 35 are repealed.



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15 1 Sec. 31. REPEAL. Section 15.421, Code 2011, is repealed.
 15 2 Sec. 32. GREAT PLACES PROGRAM.
 15 3 1. For the period beginning on the effective date of this
 15 4 section through the close of the fiscal year ending on June 30,
 15 5 2011, the department of cultural affairs shall be subject to a
 15 6 limitation on expenditures made on or after the effective date
 15 7 of this section for purposes of the great places program in
 15 8 accordance with this section.
 15 9 2. The limitation shall be equal to any expended or
 15 10 encumbered amount that the department has budgeted or otherwise
 15 11 designated for purposes of the great places program, from the
 15 12 appropriations made for the fiscal year beginning July 1, 2010,
 15 13 and ending June 30, 2011, to the department from all sources,
 15 14 as of the effective date of this section.
 15 15 Sec. 33. LOANS ==== CONTINUED EFFECT. Loans awarded from
 15 16 the save our small business fund pursuant to section 15.301,
 15 17 prior to the effective date of this section, shall continue as
 15 18 provided by the terms of the loans and shall be administered by
 15 19 the department of economic development.
 15 20 Sec. 34. EFFECTIVE UPON ENACTMENT. This division of this
 15 21 Act, being deemed of immediate importance, takes effect upon
 15 22 enactment.

DIVISION VI
EDUCATION

15 25 Sec. 35. 2010 Iowa Acts, chapter 1183, section 6, subsection
 15 26 1, is amended to read as follows:
 15 27 1. GENERAL ADMINISTRATION
 15 28 For salaries, support, maintenance, miscellaneous purposes,
 15 29 and for not more than the following full-time equivalent
 15 30 positions:
 15 31 \$ 7,096,482
 15 32 7,037,482
 15 33 FTEs 83.67
 15 34 Sec. 36. 2010 Iowa Acts, chapter 1183, section 6, subsection
 15 35 17, is amended to read as follows:



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16 1 17. CORE CURRICULUM AND CAREER INFORMATION AND
 16 2 DECISION=MAKING SYSTEM
 16 3 For purposes of implementing the statewide core curriculum
 16 4 for school districts and accredited nonpublic schools and a
 16 5 state=designated career information and decision=making system:
 16 6 \$ ~~1,901,556~~
 16 7 75,556
 16 8 It is the intent of the general assembly that the
 16 9 standing committees on education of the senate and house of
 16 10 representatives shall consider and propose legislation to amend
 16 11 Iowa law regarding the statewide core curriculum, to take
 16 12 effect on or before July 1, 2011.

UNIVERSITY OF IOWA

16 13 Sec. 37. 2010 Iowa Acts, chapter 1183, section 10,
 16 14 subsection 2, paragraph a, is amended to read as follows:
 16 15 a. General university, including lakeside laboratory
 16 16 For salaries, support, maintenance, equipment, miscellaneous
 16 17 purposes, and for not more than the following full=time
 16 18 equivalent positions:
 16 19 \$~~217,638,034~~
 16 20 212,964,921
 16 21 FTEs 5,058.55

IOWA STATE UNIVERSITY

16 22 Sec. 38. 2010 Iowa Acts, chapter 1183, section 10,
 16 23 subsection 3, paragraph a, is amended to read as follows:
 16 24 a. General university
 16 25 For salaries, support, maintenance, equipment, miscellaneous
 16 26 purposes, and for not more than the following full=time
 16 27 equivalent positions:
 16 28 \$~~170,536,017~~
 16 29 166,874,276
 16 30 FTEs 3,647.42

UNIVERSITY OF NORTHERN IOWA

16 31 Sec. 39. 2010 Iowa Acts, chapter 1183, section 10,
 16 32 subsection 4, paragraph a, is amended to read as follows:
 16 33



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17 1 a. General university
 17 2 For salaries, support, maintenance, equipment, miscellaneous
 17 3 purposes, and for not more than the following full-time
 17 4 equivalent positions:
 17 5 \$ ~~77,549,809~~
 17 6 75,884,663
 17 7 FTEs 1,447.50
 17 8 Sec. 40. REGENTS APPROPRIATIONS FOR FISCAL YEARS 2011=2012
 17 9 AND 2012=2013. It is the intent of the general assembly to
 17 10 continue the reductions applied to the appropriations made to
 17 11 the institutions under state board of regents in the amendments
 17 12 to 2010 Iowa Acts, chapter 1183, section 10, in this division
 17 13 of this Act for the next two succeeding fiscal years and to
 17 14 annualize the reductions at an aggregate amount of \$15,000,000
 17 15 in each of the fiscal years.
 17 16 Sec. 41. REGENTS AND COMMUNITY COLLEGE ADMINISTRATIVE
 17 17 FUNCTIONS. The joint appropriations subcommittee on education
 17 18 shall implement provisions to consolidate administrative
 17 19 functions at the state board of regents and the institutions
 17 20 under the state board and at the community colleges in order
 17 21 to reduce the amount that would otherwise be budgeted for such
 17 22 administrative functions for the fiscal year beginning July 1,
 17 23 2011, and each fiscal year thereafter.
 17 24 Sec. 42. LIBRARY ACQUISITION FUNDING ==== DEPARTMENT OF
 17 25 EDUCATION ==== STATE LIBRARY.
 17 26 1. For the period beginning on the effective date of this
 17 27 section through the close of the fiscal year ending on June
 17 28 30, 2011, the department of education shall be subject to a
 17 29 limitation on expenditures made on or after the effective date
 17 30 of this section for library acquisitions at the state library
 17 31 including digital acquisitions.
 17 32 2. The limitation shall be equal to 50 percent of the
 17 33 unexpended or unencumbered amount that the department of
 17 34 education has budgeted or otherwise designated for purposes of
 17 35 library acquisitions, including digital acquisitions, from the



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18 1 appropriations made to the department from all sources, as of
18 2 the effective date of this section.

18 3 Sec. 43. REGENTS UNIVERSITY LEAVE LIMITATION. For the
18 4 period beginning on the effective date of this section and
18 5 ending June 30, 2012, the state board of regents shall not
18 6 approve paid leaves of absence granted pursuant to section
18 7 262.9, subsection 14, for any faculty member.

18 8 Sec. 44. STATEWIDE VOLUNTARY PRESCHOOL. It is the intent
18 9 of the general assembly to fill the needs addressed by the
18 10 statewide preschool program for four-year-old children repealed
18 11 by this division by expanding the preschool tuition assistance
18 12 provided as part of the school ready children grant program
18 13 administered through the early childhood Iowa initiative under
18 14 chapter 256I.

18 15 Sec. 45. Section 237A.21, subsection 3, paragraph p, Code
18 16 2011, is amended by striking the paragraph.

18 17 Sec. 46. Section 237A.22, subsection 1, paragraphs f and g,
18 18 Code 2011, are amended to read as follows:

18 19 f. Make recommendations for improving collaborations between
18 20 the child care programs involving the department and programs
18 21 supporting the education and development of young children
18 22 including but not limited to the federal head start program,
~~18 23 the statewide preschool program for four-year-old children~~
18 24 and the early childhood, at-risk, and other early education
18 25 programs administered by the department of education.

18 26 g. Make recommendations for eliminating duplication and
18 27 otherwise improving the eligibility determination processes
18 28 used for the state child care assistance program and other
18 29 programs supporting low-income families, including but not
18 30 limited to the federal head start, early head start, and even
18 31 start programs; the early childhood, at-risk, and ~~preschool~~
~~18 32 prekindergarten~~ programs administered by the department of
18 33 education; the family and self-sufficiency grant program; and
18 34 the family investment program.

18 35 Sec. 47. Section 256.11, subsection 1, paragraph c, Code



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19 1 2011, is amended by striking the paragraph.

19 2 Sec. 48. Section 257.16, subsection 1, Code 2011, is amended
19 3 to read as follows:

19 4 1. There is appropriated each year from the general fund
19 5 of the state an amount necessary to pay the foundation aid
19 6 under this chapter, ~~the preschool foundation aid under chapter~~
~~19 7 256C,~~ supplementary aid under section 257.4, subsection 2, and
19 8 adjusted additional property tax levy aid under section 257.15,
19 9 subsection 4.

19 10 Sec. 49. Section 257.35, Code 2011, is amended by adding the
19 11 following new subsection:

19 12 NEW SUBSECTION. 5A. Notwithstanding subsection 1, and in
19 13 addition to the reduction applicable pursuant to subsection
19 14 2, the state aid for area education agencies and the portion
19 15 of the combined district cost calculated for these agencies
19 16 for the fiscal year beginning July 1, 2010, and ending June
19 17 30, 2011, and subsequent fiscal years, shall be reduced by the
19 18 department of management by ten million dollars. The reduction
19 19 for each area education agency shall be prorated based on the
19 20 reduction that the agency received in the fiscal year beginning
19 21 July 1, 2003.

19 22 Sec. 50. Section 272.2, subsection 18, Code 2011, is amended
19 23 to read as follows:

19 24 18. May adopt rules for practitioners who are not eligible
19 25 for a statement of professional recognition under subsection
19 26 10, but have received a baccalaureate degree and provide a
19 27 service to students at any or all levels from prekindergarten
19 28 through grade twelve for a school district, accredited
19 29 nonpublic school, or area education agency, ~~or preschool~~
~~19 30 program established pursuant to chapter 256C.~~

19 31 Sec. 51. Section 285.1, subsection 1, paragraph a,
19 32 subparagraph (3), Code 2011, is amended to read as follows:

19 33 (3) Children attending prekindergarten programs offered or
19 34 sponsored by the district or nonpublic school and approved by
19 35 the department of education or department of human services



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20 1 ~~or children participating in preschool in an approved local~~
20 2 ~~program under chapter 256C~~ may be provided transportation
20 3 services. However, transportation services provided to
20 4 nonpublic school children are not eligible for reimbursement
20 5 under this chapter.
20 6 Sec. 52. REPEAL. Chapter 256C, Code 2011, is repealed.
20 7 Sec. 53. EFFECTIVE DATES.
20 8 1. The sections of this division of this Act amending Code
20 9 sections 237A.21, 237A.22, 256.11, 257.16, 257.35, 272.2, and
20 10 285.1 and repealing Code chapter 256C, take effect July 1,
20 11 2011, and apply to budget years beginning on or after July 1,
20 12 2011.
20 13 2. The provisions of this division of this Act other than
20 14 those addressed by subsection 1, being deemed of immediate
20 15 importance, take effect upon enactment.
20 16 DIVISION VII
20 17 HEALTH AND HUMAN SERVICES
20 18 Sec. 54. Section 217.6, Code 2011, is amended by adding the
20 19 following new unnumbered paragraph:
20 20 NEW UNNUMBERED PARAGRAPH The rules and regulations
20 21 adopted for the public benefits and programs administered by
20 22 the department of human services shall apply the residency
20 23 eligibility restrictions required by federal and state law.
20 24 Sec. 55. DEPARTMENT ON AGING ===== PLAN FOR REDUCTION IN
20 25 NUMBER OF AREA AGENCIES ON AGING. The department on aging
20 26 shall develop a plan for reducing the number of area agencies
20 27 on aging in the state to not more than five, to be effective
20 28 beginning July 1, 2011. The department shall submit the plan
20 29 to the standing committees on human resources of the senate
20 30 and house of representatives and the joint appropriations
20 31 subcommittee on health and human services on or before February
20 32 25, 2011.
20 33 Sec. 56. JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH
20 34 AND HUMAN SERVICES. The joint appropriations subcommittee
20 35 on health and human services shall develop and include in



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21 1 appropriations legislation a new reimbursement methodology for
 21 2 juvenile shelter care providers for use beginning July 1, 2011.
 21 3 The new reimbursement methodology shall end the practice of
 21 4 providing reimbursement for unused shelter care beds.

21 5 HEALTH CARE COVERAGE COMMISSION

21 6 Sec. 57. 2009 Iowa Acts, chapter 183, section 65, subsection
 21 7 3, is amended to read as follows:

21 8 3. There is appropriated from the human services
 21 9 reinvestment fund for the fiscal year beginning July 1, 2009,
 21 10 and ending June 30, 2010, the following amount to be used for
 21 11 the following designated purpose:

21 12 For the legislative services agency to be used for costs
 21 13 associated with the legislative health care coverage commission
 21 14 created in 2009 Iowa Acts, Senate File 389, if enacted, or a
 21 15 similar legislative commission:

21 16	\$315,000
21 17	<u>191,820</u>

21 18 Notwithstanding section 8.33, moneys appropriated in this
 21 19 subsection that remain unencumbered or unobligated at the close
 21 20 of the fiscal year shall not revert but shall remain available
 21 21 for expenditure for the purposes designated until the close of
 21 22 the fiscal year that begins July 1, 2010.

21 23 ADDICTIVE DISORDERS

21 24 Sec. 58. 2010 Iowa Acts, chapter 1192, section 2, subsection
 21 25 1, unnumbered paragraph 1, is amended to read as follows:

21 26 For reducing the prevalence of use of tobacco, alcohol, and
 21 27 other drugs, and treating individuals affected by addictive
 21 28 behaviors, including gambling, and for not more than the
 21 29 following full-time equivalent positions:

21 30	\$ 28,974,840
21 31	<u>26,574,840</u>
21 32	FTEs 18.00

21 33 Sec. 59. 2010 Iowa Acts, chapter 1192, section 2, subsection
 21 34 1, paragraph a, is amended to read as follows:

21 35 a. Of the funds appropriated in this subsection, ~~\$7,438,282~~



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~~22 1~~ \$5,038,282 shall be used for the tobacco use prevention and
22 2 control initiative, including efforts at the state and local
22 3 levels, as provided in chapter 142A.
22 4 (1) The director of public health shall dedicate sufficient
22 5 resources to promote and ensure retailer compliance with
22 6 tobacco laws and ordinances relating to persons under 18
22 7 years of age, and shall prioritize the state's compliance in
22 8 the allocation of available funds to comply with 42 U.S.C.
22 9 { ~~300x=26~~ and section 453A.2.
22 10 (2) Of the full-time equivalent positions authorized in
22 11 this subsection, 2.00 full-time equivalent positions shall
22 12 be utilized to provide for enforcement of tobacco laws,
22 13 regulations, and ordinances.
22 14 (3) Of the funds allocated in this lettered paragraph,
22 15 ~~\$1,796,508~~ \$1,197,672 shall be used for youth programs designed
22 16 to achieve the goals of the initiative, that are directed by
22 17 youth participants for youth pursuant to section 142A.9.
22 18 (4) For the period beginning on the effective date of
22 19 this subparagraph through the close of the fiscal year ending
22 20 on June 30, 2011, except for activities provided during the
22 21 period through a contract or other legally binding obligation
22 22 entered into prior to the period that cannot be canceled
22 23 without penalty, the department shall cancel smoking cessation
22 24 and prevention efforts funded in whole or in part under this
22 25 paragraph "a". The efforts subject to this subparagraph
22 26 shall include but are not limited to the just eliminate
22 27 lies initiative and other expenditures relating to the youth
22 28 programs addressed in subparagraph (3) and the quitline Iowa
22 29 initiative. The department of human services shall revise
22 30 eligibility provisions for smoking cessation medications and
22 31 related services under the medical assistance program to
22 32 replace the requirements for referral by the quitline Iowa
22 33 initiative with a requirement for a physician prescription
22 34 or referral or other suitable requirement. The joint
22 35 appropriations subcommittee on health and human services, in



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24 1 subsections 5 and 8, are amended to read as follows:

24 2 5. HEALTHY AGING

24 3 To provide public health services that reduce risks and
24 4 invest in promoting and protecting good health over the
24 5 course of a lifetime with a priority given to older Iowans and
24 6 vulnerable populations:

24 7 \$ ~~8,045,779~~

24 8 7,745,779

24 9 a. Of the funds appropriated in this subsection, ~~\$2,209,696~~

~~24 10~~ \$2,127,316 shall be used for local public health nursing
24 11 services.

24 12 b. Of the funds appropriated in this subsection, ~~\$5,836,083~~

~~24 13~~ 5,618,463 shall be used for home care aide services.

24 14 8. PUBLIC PROTECTION

24 15 For protecting the health and safety of the public through
24 16 establishing standards and enforcing regulations, and for not
24 17 more than the following full-time equivalent positions:

24 18 \$ ~~3,287,987~~

24 19 3,237,987

24 20 FTEs 130.00

24 21 a. Of the funds appropriated in this subsection, not more
24 22 than \$471,690 shall be credited to the emergency medical
24 23 services fund created in section 135.25. Moneys in the
24 24 emergency medical services fund are appropriated to the
24 25 department to be used for the purposes of the fund.

24 26 b. Of the funds appropriated in this subsection, \$234,229
24 27 shall be used for sexual violence prevention programming
24 28 through a statewide organization representing programs serving
24 29 victims of sexual violence through the department's sexual
24 30 violence prevention program. The amount allocated in this
24 31 lettered paragraph shall not be used to supplant funding
24 32 administered for other sexual violence prevention or victims
24 33 assistance programs.

24 34 c. Of the funds appropriated in this subsection, not more
24 35 than \$485,520 shall be used for the state poison control



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25 1 center.

25 2 ~~d. Of the funds appropriated in this subsection, \$50,000~~
~~25 3 shall be used for education, testing, training, and other costs~~
~~25 4 to conform the requirements for certification of emergency~~
~~25 5 medical care providers with national standards.~~

25 6 FAMILY PLANNING WAIVER

25 7 Sec. 64. 2010 Iowa Acts, chapter 1192, section 11,
25 8 subsection 24, is amended to read as follows:

25 9 24. a. The department of human services shall amend
25 10 the medical assistance waiver for the Iowa family planning
25 11 network to continue the current waiver with the following
25 12 modifications, to be effective ~~July 1, 2011~~ as soon as
25 13 federal approval can be obtained, which provide for all of the
25 14 following:

25 15 (1) Coverage for women who meet all of the following
25 16 criteria:

25 17 (a) ~~Are uninsured or have health insurance coverage that~~
~~25 18 does not include coverage for benefits provided under the Iowa~~
~~25 19 family planning network.~~

25 20 (b) Have income of up to ~~300~~ 133 percent of the federal
25 21 poverty level.

25 22 (c) Are under ~~55~~ 45 years of age.

25 23 ~~(2) Coverage of pregnancy prevention services for men who~~
~~25 24 meet the income, age, and insurance coverage specifications~~
~~25 25 described in subparagraph (1).~~

25 26 b. Implementation of this subsection is contingent upon
25 27 approval of the medical assistance waiver for the Iowa family
25 28 planning network by the centers for Medicare and Medicaid
25 29 services of the United States department of health and human
25 30 services and upon availability of funding as determined by the
25 31 director of the department of human services.

25 32 c. Of the funds appropriated in this section, \$25,000 shall
25 33 be used for administrative costs for renewal and modification
25 34 of the Iowa family planning network waivers as provided in this
25 35 subsection.



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26 1 CHILD AND FAMILY SERVICES ===== SHELTER CARE
 26 2 Sec. 65. 2010 Iowa Acts, chapter 1192, section 19,
 26 3 subsection 1, is amended to read as follows:
 26 4 1. There is appropriated from the general fund of the
 26 5 state to the department of human services for the fiscal year
 26 6 beginning July 1, 2010, and ending June 30, 2011, the following
 26 7 amount, or so much thereof as is necessary, to be used for the
 26 8 purpose designated:
 26 9 For child and family services:
 26 10 \$ ~~79,593,023~~
 26 11 79,127,023
 26 12 Sec. 66. 2010 Iowa Acts, chapter 1192, section 19,
 26 13 subsection 7, paragraph a, is amended to read as follows:
 26 14 a. Notwithstanding section 234.35 or any other provision
 26 15 of law to the contrary, state funding for shelter care shall
 26 16 be limited to ~~\$7,894,147~~ \$7,428,147. The department may
 26 17 continue or amend shelter care provider contracts to include
 26 18 the child welfare emergency services for children that were
 26 19 implemented pursuant to 2008 Iowa Acts, chapter 1187, section
 26 20 16, subsection 7. An appropriate amount of the funds allocated
 26 21 in this subsection may be used for wraparound and emergency
 26 22 services to prevent the need for shelter care services,
 26 23 including such services for children who have an immediate
 26 24 need for shelter care services but are ineligible due to
 26 25 income, status, or other requirement. The funding shall be
 26 26 expended by providers in a manner that does not impinge upon
 26 27 the availability of beds for eligible children.
 26 28 Sec. 67. EFFECTIVE UPON ENACTMENT. This division of this
 26 29 Act, being deemed of immediate importance, takes effect upon
 26 30 enactment.
 26 31 DIVISION VIII
 26 32 INFRASTRUCTURE AND TRANSPORTATION
 26 33 Sec. 68. PLANTINGS FOR AESTHETIC PURPOSES. For the period
 26 34 beginning on the effective date of this section through the
 26 35 close of the fiscal year ending June 30, 2011, the department



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27 1 of transportation shall not pay for wildflowers or other plants
27 2 intended for aesthetic purposes.

27 3 Sec. 69. Section 28I.4, subsection 1, Code 2011, is amended
27 4 to read as follows:

27 5 1. The commission shall have the power and duty to make
27 6 comprehensive studies and plans for the development of the
27 7 area it serves which will guide the unified development of
27 8 the area and which will eliminate planning duplication and
27 9 promote economy and efficiency in the coordinated development
27 10 of the area and the general welfare, convenience, safety, and
27 11 prosperity of its people. The plan or plans collectively
27 12 shall be known as the regional or metropolitan development
27 13 plan. The plans for the development of the area may include
27 14 but shall not be limited to recommendations with respect to
27 15 existing and proposed highways, bridges, airports, streets,
27 16 parks and recreational areas, schools and public institutions
27 17 and public utilities, public open spaces, and sites for public
27 18 buildings and structures; districts for residence, business,
27 19 industry, recreation, agriculture, and forestry; water supply,
27 20 sanitation, drainage, protection against floods and other
27 21 disasters; areas for housing developments, slum clearance
27 22 and urban renewal and redevelopment; location of private
27 23 and public utilities, including but not limited to sewerage
27 24 and water supply systems; and such other recommendations
27 25 concerning current and impending problems as may affect the
27 26 area served by the commission. Time and priority schedules and
27 27 cost estimates for the accomplishment of the recommendations
27 28 may also be included in the plans. ~~The plans shall be made~~
~~27 29 with consideration of the smart planning principles under~~
~~27 30 section 18B.1.~~ The plans shall be based upon and include
27 31 appropriate studies of the location and extent of present
27 32 and anticipated populations; social, physical, and economic
27 33 resources, problems and trends; and governmental conditions and
27 34 trends. The commission is also authorized to make surveys,
27 35 land-use studies, and urban renewal plans, provide technical



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28 1 services and other planning work for the area it serves and
28 2 for cities, counties, and other political subdivisions in the
28 3 area. A plan or plans of the commission may be adopted, added
28 4 to, and changed from time to time by a majority vote of the
28 5 planning commission. The plan or plans may in whole or in part
28 6 be adopted by the governing bodies of the cooperating cities
28 7 and counties as the general plans of such cities and counties.
28 8 The commission may also assist the governing bodies and other
28 9 public authorities or agencies within the area it serves
28 10 in carrying out any regional plan or plans, and assist any
28 11 planning commission, board or agency of the cities and counties
28 12 and political subdivisions in the preparation or effectuation
28 13 of local plans and planning consistent with the program of the
28 14 commission. The commission may cooperate and confer, as far as
28 15 possible, with planning agencies of other states or of regional
28 16 groups of states adjoining its area.

28 17 Sec. 70. Section 329.3, Code 2011, is amended to read as
28 18 follows:

28 19 329.3 Zoning regulations ==== powers granted.

28 20 Every municipality having an airport hazard area within
28 21 its territorial limits may adopt, administer, and enforce
28 22 in the manner and upon the conditions prescribed by this
28 23 chapter, zoning regulations for such airport hazard area,
28 24 which regulations may divide such area into zones and, within
28 25 such zones, specify the land uses permitted, and regulate
28 26 and restrict, for the purpose of preventing airport hazards,
28 27 the height to which structures and trees may be erected or
28 28 permitted to grow. ~~Regulations adopted under this chapter~~
~~28 29 shall be made with consideration of the smart planning~~
~~28 30 principles under section 18B.1.~~

28 31 Sec. 71. Section 335.5, subsections 3 and 4, Code 2011, are
28 32 amended by striking the subsections.

28 33 Sec. 72. Section 335.8, subsection 2, Code 2011, is amended
28 34 by striking the subsection.

28 35 Sec. 73. Section 414.3, subsections 3 and 4, Code 2011, are



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29 1 amended by striking the subsections.
29 2 Sec. 74. Section 414.6, subsection 2, Code 2011, is amended
29 3 by striking the subsection.
29 4 Sec. 75. REPEAL. Section 16.194A, Code 2011, is repealed.
29 5 Sec. 76. REPEAL. Chapter 18B, Code 2011, is repealed.
29 6 Sec. 77. REPEAL. 2010 Iowa Acts, chapter 1184, section 25,
29 7 is repealed.
29 8 Sec. 78. RECISION OF AWARDS. Any award to a city or county
29 9 that applies smart planning principles and guidelines pursuant
29 10 to sections 18B.1 and 18B.2, Code 2011, granted from moneys
29 11 appropriated pursuant to 2010 Iowa Acts, chapter 1184, section
29 12 10, subsection 4, paragraph "b", for which a contract has
29 13 not been entered into by the effective date of this section,
29 14 shall be rescinded. The Iowa jobs board shall not award any
29 15 additional such grants on or after the effective date of this
29 16 section.
29 17 Sec. 79. SUSTAINABLE COMMUNITIES ===== JOINT APPROPRIATIONS
29 18 SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND
29 19 CAPITALS. The joint appropriations subcommittee on
29 20 transportation, infrastructure, and capitals shall develop
29 21 and, on or before April 4, 2011, shall submit recommended
29 22 implementation provisions to the general assembly's committees
29 23 on appropriations in proposed legislation concerning reductions
29 24 of all identifiable appropriations enacted by the Eighty-third
29 25 General Assembly, 2010 session, for purposes of sustainable
29 26 communities projects.
29 27 Sec. 80. 2010 Iowa Acts, chapter 1184, section 1, subsection
29 28 1, paragraph c, unnumbered paragraph 1, is amended to read as
29 29 follows:
29 30 For the state's share of support in conjunction with the
29 31 city of Des Moines and local area businesses to provide a
29 32 free shuttle service to the citizens of Iowa that includes
29 33 transportation between the capitol complex and the downtown
29 34 Des Moines area, notwithstanding section 8.57, subsection 6,
29 35 paragraph "c":



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30	1	\$	200,000
30	2			<u>125,000</u>
30	3	Sec. 81. 2010 Iowa Acts, chapter 1184, section 1, subsection		
30	4	7, paragraph c, is amended to read as follows:		
30	5	c. For costs associated with the hiring and employment of an		
30	6	asset manager at Honey creek resort state park, notwithstanding		
30	7	section 8.57, subsection 6, paragraph "c":		
30	8	\$	100,000
30	9			<u>26,200</u>
30	10	The department shall issue a request for proposals to		
30	11	competitively procure the services of an asset manager which		
30	12	shall be selected by the natural resource commission. The		
30	13	asset manager shall have hospitality management experience		
30	14	of at least five years including at least three years asset		
30	15	management experience in a setting similar in size and quality		
30	16	to the Honey creek resort state park with a similar type of		
30	17	market. The duties and job responsibilities of the asset		
30	18	manager shall include but are not limited to reviewing and		
30	19	commenting on the resort's sales and marketing plan, providing		
30	20	for the operation of the resort in a manner consistent with		
30	21	the requirements and limitations set forth in the resort's		
30	22	operating agreement, monitoring and supervising the resort		
30	23	including site visits, and negotiating and recommending an		
30	24	annual operating budget and budget plan. The asset manager		
30	25	shall report to bond counsel, the governor, the Honey creek		
30	26	authority, the department of natural resources, and the		
30	27	legislative services agency.		
30	28	Sec. 82. 2009 Iowa Acts, chapter 184, section 1, subsection		
30	29	12, paragraph a, as amended by 2010 Iowa Acts, chapter 1184,		
30	30	section 71, is amended to read as follows:		
30	31	a. For deposit in the passenger rail service revolving		
30	32	fund created in section 327J.2, notwithstanding section 8.57,		
30	33	subsection 6, paragraph "c":		
30	34	\$	3,000,000
30	35			<u>302,007</u>



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31 1 Sec. 83. 2010 Iowa Acts, chapter 1184, section 2, subsection
31 2 3, is amended to read as follows:

31 3 3. DEPARTMENT OF TRANSPORTATION

31 4 For deposit into the passenger rail service revolving
31 5 fund created in section 327J.2 for matching federal funding
31 6 available through the federal Passenger Rail Investment
31 7 and Improvement Act of 2008 for passenger rail service,
31 8 notwithstanding section 8.57, subsection 6, paragraph "c":
31 9 FY 2011=2012..... \$ ~~6,500,000~~
31 10 0

~~31 11 It is the intent of the general assembly to fund up to
31 12 \$20 million over a four-year period to fully fund the state
31 13 commitment for matching federal funding available through the
31 14 federal Passenger Rail Investment and Improvement Act of 2008.~~

31 15 Sec. 84. 2010 Iowa Acts, chapter 1184, section 16, is
31 16 amended to read as follows:

31 17 SEC. 16. There is appropriated from the Iowa comprehensive
31 18 petroleum underground storage tank fund to the department of
31 19 transportation for the fiscal year beginning July 1, 2010, and
31 20 ending June 30, 2011, the following amount, or so much thereof
31 21 as is necessary, to be used for the purposes designated:

31 22 Notwithstanding section 455G.3, subsection 1, for deposit in
31 23 the passenger rail service revolving fund created in section
31 24 327J.2:
31 25 \$ ~~2,000,000~~
31 26 500,000

~~31 27 Such funds shall be coupled with the remaining unobligated
31 28 balance of up to one million five hundred thousand dollars from
31 29 the appropriation made in 2009 Iowa Acts, chapter 184, section
31 30 1, subsection 12, paragraph "a", for a total commitment of
31 31 three million five hundred thousand dollars for the fiscal year
31 32 beginning July 1, 2010, and ending June 30, 2011, for matching
31 33 federal funding available through the Passenger Rail Investment
31 34 and Improvement Act of 2008.~~

31 35 Sec. 85. 2008 Iowa Acts, chapter 1179, section 1, subsection



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32 1 13, paragraph c, as amended by 2009 Iowa Acts, chapter 184,
32 2 section 22, is amended by striking the paragraph.
32 3 Sec. 86. EFFECTIVE UPON ENACTMENT. This division of this
32 4 Act, being deemed of immediate importance, takes effect upon
32 5 enactment.

DIVISION IX
JUSTICE SYSTEM

32 6
32 7
32 8 Sec. 87. 2010 Iowa Acts, chapter 1185, section 1, subsection
32 9 1, paragraph a, is amended by adding the following new
32 10 unnumbered paragraph:

32 11 NEW UNNUMBERED PARAGRAPH In cases that are not considered
32 12 unusually complicated pursuant to the rules adopted by the
32 13 state public defender where either the state public defender
32 14 approves a claim in excess of a fee limitation established
32 15 under section 13B.4, subsection 4, or upon the court ordering
32 16 the state public defender to approve such a claim in excess
32 17 of the fee limitations, an amount equal to the portion of the
32 18 claim in excess of the fee limitation approved by the state
32 19 public defender or ordered by the court shall be transferred
32 20 by the judicial branch from the moneys appropriated in this
32 21 lettered paragraph to the revolving fund created in section
32 22 602.1302. Notwithstanding section 602.1302, the judicial
32 23 branch shall transfer moneys credited to the revolving fund
32 24 pursuant to this unnumbered paragraph to the state public
32 25 defender to be credited to the indigent defense fund created
32 26 in section 815.11. Moneys credited to the indigent defense
32 27 fund pursuant to this unnumbered paragraph shall be used to
32 28 reimburse the state public defender by applying the same
32 29 procedures used to reimburse the state public defender for
32 30 attorney fees paid pursuant to section 600A.6B.

32 31 Sec. 88. 2010 Iowa Acts, chapter 1190, section 10, is
32 32 amended to read as follows:

32 33 SEC. 10. STATE PUBLIC DEFENDER. There is appropriated from
32 34 the general fund of the state to the office of the state public
32 35 defender of the department of inspections and appeals for the



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33 1 fiscal year beginning July 1, 2010, and ending June 30, 2011,
 33 2 the following amounts, or so much thereof as is necessary, to
 33 3 be allocated as follows for the purposes designated:
 33 4 1. For salaries, support, maintenance, miscellaneous
 33 5 purposes, and for not more than the following full-time
 33 6 equivalent positions:
 33 7 \$ 21,743,182
 33 8 FTEs 203.00
 33 9 2. For the fees of court-appointed attorneys for indigent
 33 10 adults and juveniles, in accordance with section 232.141 and
 33 11 chapter 815:
 33 12 \$ ~~15,680,929~~
 33 13 31,680,929
 33 14 Sec. 89. EFFECTIVE UPON ENACTMENT. This division of this
 33 15 Act, being deemed of immediate importance, takes effect upon
 33 16 enactment.
 33 17 DIVISION X
 33 18 POWER FUND ==== OFFICE OF ENERGY INDEPENDENCE
 33 19 Sec. 90. REPEAL. Sections 469.9 and 469.10, Code 2011, are
 33 20 repealed.
 33 21 Sec. 91. REPEAL. Sections 469.1, 469.2, 469.3, 469.4,
 33 22 469.5, 469.6, 469.7, 469.8, and 469.11, Code 2011, are
 33 23 repealed.
 33 24 Sec. 92. TRANSITION PROVISIONS ==== DEPARTMENTAL
 33 25 AUTHORITY. Beginning on the effective date of this section,
 33 26 the department of economic development shall assume the
 33 27 duties of the office of energy independence until otherwise
 33 28 determined by the general assembly. During the 2011 session of
 33 29 the Eighty-fourth General Assembly, the joint appropriations
 33 30 subcommittee on economic development shall include Code
 33 31 provisions relating to the repeal of chapter 469 and the
 33 32 transfer of departmental authority from the office of energy
 33 33 independence to another state entity in a proposed committee
 33 34 on appropriations bill.
 33 35 Sec. 93. TRANSITION PROVISIONS ==== CONTINUATION OF GRANTS.



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34 1 1. Any moneys remaining in any account or fund under the
34 2 control of the office of energy independence on the effective
34 3 date of this division relative to the provisions of this
34 4 division shall be transferred to a comparable fund or account
34 5 under the control of the department of economic development
34 6 for such purposes, until otherwise determined by the general
34 7 assembly. Notwithstanding section 8.33, the moneys transferred
34 8 in accordance with this subsection shall not revert to the
34 9 account or fund from which appropriated or transferred.

34 10 2. Any license, permit, or contract issued or entered
34 11 into by the office of energy independence relative to the
34 12 provisions of this division in effect on the effective date
34 13 of this division shall continue in full force and effect
34 14 pending transfer of such licenses, permits, or contracts to the
34 15 department of economic development, until otherwise determined
34 16 by the general assembly.

34 17 3. Grants or loans awarded from the Iowa power fund
34 18 pursuant to section 469.9 prior to the effective date of
34 19 this division shall continue as provided by the terms of the
34 20 grants or loans and shall be administered by the department of
34 21 economic development, until otherwise determined by the general
34 22 assembly.

34 23 4. Federal funds utilized by the director of the office
34 24 of energy independence prior to the effective date of this
34 25 division to employ personnel necessary to administer the
34 26 provisions of this division shall be applicable to the transfer
34 27 of such personnel from the office of energy independence to the
34 28 department of economic development, or other state agency as
34 29 determined by the general assembly.

34 30 Sec. 94. EFFECTIVE UPON ENACTMENT. Except for the section
34 31 of this division repealing sections 469.9 and 469.10, which
34 32 shall take effect July 1, 2011, this division of this Act,
34 33 being deemed of immediate importance, takes effect upon
34 34 enactment.

34 35

DIVISION XI



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35 1 REBUILD IOWA OFFICE

35 2 Sec. 95. Section 16.191, subsection 2, paragraph e, Code
35 3 2011, is amended to read as follows:

35 4 e. The ~~executive director of the rebuild Iowa office~~
~~35 5 or the director's designee until June 30, 2011, and then~~
~~35 6 the~~ administrator of the homeland security and emergency
35 7 management division of the department of public defense or the
35 8 administrator's designee.

35 9 Sec. 96. Section 29C.20B, subsection 1, Code 2011, is
35 10 amended to read as follows:

35 11 1. The ~~rebuild Iowa office shall work with the~~ department
35 12 of human services and nonprofit, voluntary, and faith-based
35 13 organizations active in disaster recovery and response
35 14 in coordination with the homeland security and emergency
35 15 management division shall work to establish a statewide
35 16 system of disaster case management to be activated following
35 17 the governor's proclamation of a disaster emergency or the
35 18 declaration of a major disaster by the president of the
35 19 United States for individual assistance purposes. Under the
35 20 system, the department of human services shall coordinate
35 21 case management services locally through local committees as
35 22 established in each local emergency management commission's
35 23 emergency plan. ~~Beginning July 1, 2011, the department of~~
~~35 24 human services shall assume the duties of the rebuild Iowa~~
~~35 25 office under this subsection.~~

35 26 Sec. 97. Section 29C.20B, subsection 2, unnumbered
35 27 paragraph 1, Code 2011, is amended to read as follows:

35 28 The department of human services, in conjunction with
35 29 ~~the rebuild Iowa office,~~ the homeland security and emergency
35 30 management division, and an Iowa representative to the national
35 31 voluntary organizations active in disaster, shall adopt rules
35 32 pursuant to chapter 17A to create coordination mechanisms
35 33 and standards for the establishment and implementation of
35 34 a statewide system of disaster case management which shall
35 35 include at least all of the following:



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36 1 Sec. 98. Section 103A.8C, subsection 1, Code 2011, is
36 2 amended to read as follows:

36 3 1. The commissioner, after consulting with and receiving
36 4 recommendations from the department of public defense, and
36 5 the department of natural resources, ~~and the rebuild Iowa~~
~~36 6 office,~~ shall adopt rules pursuant to chapter 17A specifying
36 7 standards and requirements for design and construction of safe
36 8 rooms and storm shelters. In developing these standards, the
36 9 commissioner shall consider nationally recognized standards.
36 10 The standards and requirements shall be incorporated into the
36 11 state building code established in section 103A.7, but shall
36 12 not be interpreted to require the inclusion of a safe room or
36 13 storm shelter in a building construction project unless such
36 14 inclusion is expressly required by another statute or by a
36 15 federal statute or regulation. However, if a safe room or
36 16 storm shelter is included in any building construction project
36 17 which reaches the design development phase on or after January
36 18 1, 2011, compliance with the standards developed pursuant to
36 19 this section shall be required.

36 20 Sec. 99. Section 466B.3, subsection 4, paragraph n, Code
36 21 2011, is amended by striking the paragraph.

36 22 Sec. 100. 2009 Iowa Acts, chapter 169, section 10,
36 23 subsection 6, is amended to read as follows:

36 24 6. This section is repealed ~~June 30, 2011~~ on the effective
36 25 date of this section of this 2011 Iowa Act.

36 26 Sec. 101. 2010 Iowa Acts, chapter 1189, section 28, is
36 27 amended to read as follows:

36 28 SEC. 28. REBUILD IOWA OFFICE.

36 29 1. There is appropriated from the general fund of the state
36 30 to the rebuild Iowa office for the fiscal year beginning July
36 31 1, 2010, and ending June 30, 2011, the following amount, or
36 32 so much thereof as is necessary, to be used for the purposes
36 33 designated:

36 34 For salaries, support, maintenance, and miscellaneous
36 35 purposes, and for not more than the following full-time



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37	1	equivalent positions:		
37	2	\$	647,014
37	3			531,014
37	4 FTEs		12.00

37 5 It is the intent of the general assembly that the rebuild
37 6 Iowa office shall be repealed effective June 30, 2011, and
37 7 shall not receive an appropriation from the general fund of the
37 8 state after that date.

37 9 2. a. Of the moneys appropriated in this section, \$50,000
37 10 shall be transferred to the homeland security and emergency
37 11 management division of the department of public defense for
37 12 purposes of assuming the duties of the rebuild Iowa office.

37 13 b. For purposes of assuming the duties of the rebuild Iowa
37 14 office, the homeland security and emergency management division
37 15 of the department of public defense shall be authorized an
37 16 additional 0.5 FTEs above those otherwise authorized to the
37 17 division.

37 18 c. This subsection shall take effect on the effective date
37 19 of this section of this 2011 Iowa Act.

37 20 Sec. 102. REBUILD IOWA OFFICE ELIMINATION ==== TRANSFER
37 21 OF DUTIES. Beginning on the effective date of this division
37 22 of this Act, the homeland security and emergency management
37 23 division of the department of public defense shall assume all
37 24 duties of the rebuild Iowa office.

37 25 Sec. 103. REBUILD IOWA OFFICE ELIMINATION ==== JOINT
37 26 APPROPRIATIONS SUBCOMMITTEE ON THE JUSTICE SYSTEM. The joint
37 27 appropriations subcommittee on the justice system shall consult
37 28 with the homeland security and emergency management division
37 29 of the department of public defense and other relevant sources
37 30 in proposing legislation identifying the appropriate state
37 31 agencies to assume the duties of the rebuild Iowa office.

37 32 Sec. 104. EFFECTIVE UPON ENACTMENT. This division of this
37 33 Act, being deemed of immediate importance, takes effect upon
37 34 enactment.

37 35 DIVISION XII



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38 1 GROW IOWA VALUES FUND AND PROGRAM

38 2 Sec. 105. Section 15.103, subsection 6, Code 2011, is
38 3 amended to read as follows:

38 4 6. As part of the organizational structure of the
38 5 department, the board shall establish a due diligence
38 6 committee and a loan and credit guarantee committee composed
38 7 of members of the board. The committees shall serve in an
38 8 advisory capacity to the board and shall carry out any duties
38 9 assigned by the board in relation to programs administered
38 10 by the department. The loan and credit guarantee committee
38 11 shall advise the board on the winding up of loan guarantees
38 12 made under the loan and credit guarantee program established
38 13 pursuant to section 15E.224, Code 2009, ~~and on the proper~~
~~38 14 amount of the allocation described in section 15C.111,~~
~~38 15 subsection 4, paragraph "g".~~

38 16 Sec. 106. Section 15.104, subsection 1, Code 2011, is
38 17 amended by striking the subsection.

38 18 Sec. 107. Section 15.104, subsection 8, paragraphs b and i,
38 19 Code 2011, are amended by striking the paragraphs.

38 20 Sec. 108. Section 15.104, subsection 8, paragraph j, Code
38 21 2011, is amended to read as follows:

38 22 j. Renewable fuel programs. A detailed accounting of
38 23 expenditures in support of renewable fuel infrastructure
38 24 programs, as provided in sections 15G.203 and 15G.204. ~~The~~
~~38 25 renewable fuel infrastructure board established in section~~
~~38 26 15G.202 shall approve that portion of the department's annual~~
~~38 27 report regarding projects supported from the grow Iowa values~~
~~38 28 fund created in section 15C.111. This paragraph is repealed on~~
38 29 July 1, 2012.

38 30 Sec. 109. Section 15.327, Code 2011, is amended by adding
38 31 the following new subsections:

38 32 NEW SUBSECTION. 01. "Base employment level" means the
38 33 number of full-time equivalent positions at a business,
38 34 as established by the department and a business using the
38 35 business's payroll records, as of the date a business applies



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39 1 for financial assistance under the program.
39 2 NEW SUBSECTION. 3A. "County wage" means the average hourly
39 3 compensation rates, excluding the value of nonwage benefits for
39 4 comparable jobs, from the most recent four quarters of wage
39 5 and employment information from the quarterly covered wage and
39 6 employment data report issued by the department of workforce
39 7 development.
39 8 NEW SUBSECTION. 7A. "Full-time equivalent position" means
39 9 a non-part-time position for the number of hours or days per
39 10 week considered to be full-time work for the kind of service
39 11 or work performed for an employer. Typically, a full-time
39 12 equivalent position requires two thousand eighty hours of work
39 13 in a calendar year, including all paid holidays, vacations,
39 14 sick time, and other paid leave.
39 15 NEW SUBSECTION. 7B. "Maintenance period" means the period
39 16 of time between the project completion date and maintenance
39 17 period completion date.
39 18 NEW SUBSECTION. 12A. "Regional wage" means the average
39 19 hourly compensation rates, excluding the value of nonwage
39 20 benefits for comparable jobs, from the most recent four
39 21 quarters of wage and employment information from the quarterly
39 22 covered wage and employment data report issued by the
39 23 department of workforce development.
39 24 Sec. 110. Section 15.327, subsections 1, 4, 7, 8, 10, 12,
39 25 and 13, Code 2011, are amended by striking the subsections and
39 26 inserting in lieu thereof the following:
39 27 1. "Benefit" means nonwage compensation provided to an
39 28 employee. Benefits typically include medical and dental
39 29 insurance plans, pension, retirement, and profit-sharing plans,
39 30 child care services, life insurance coverage, vision insurance
39 31 coverage, disability insurance coverage, and any other nonwage
39 32 compensation as determined by the board.
39 33 4. "Created job" means a new, permanent, full-time
39 34 equivalent position added to a business's payroll in excess of
39 35 the business's base employment level.



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40 1 7. "Fiscal impact ratio" means a ratio calculated by
40 2 estimating the amount of taxes to be received from a business
40 3 by the state and dividing the estimate by the estimated cost
40 4 to the state of providing certain financial incentives to
40 5 the business, reflecting a ten-year period of taxation and
40 6 incentives and expressed in terms of current dollars. For
40 7 purposes of the program, "fiscal impact ratio" does not include
40 8 taxes received by political subdivisions.

40 9 8. "Maintenance period completion date" means the date on
40 10 which the maintenance period ends.

40 11 10. "Project completion date" means the date by which
40 12 a recipient of financial assistance has agreed to meet all
40 13 the terms and obligations contained in an agreement with the
40 14 department as described in section 15.330.

40 15 12. "Qualifying wage threshold" means the county wage or the
40 16 regional wage, as calculated pursuant to subsections 3A and
40 17 12A, whichever is lower.

40 18 13. "Retained job" means a full-time equivalent position,
40 19 in existence at the time an employer applies for financial
40 20 assistance which remains continuously filled or authorized
40 21 to be filled as soon as possible and which is at risk of
40 22 elimination if the project for which the employer is seeking
40 23 assistance does not proceed.

40 24 Sec. 111. Section 15.329, subsection 2, Code 2011, is
40 25 amended to read as follows:

40 26 2. A business providing a sufficient package of benefits to
40 27 each employee holding a created or retained job shall qualify
40 28 for a credit against the qualifying wage threshold requirements
40 29 described in subsection 1, paragraph "c". The credit shall be
40 30 calculated and applied in the following manner: ~~described in~~
~~40 31 section 15C.112, subsection 4, paragraph "b".~~

40 32 a. By multiplying the qualifying wage threshold of
40 33 the county in which the business is located by one and
40 34 three-tenths.

40 35 b. By multiplying the result of paragraph "a" by one-tenth.



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41 1 c. The amount of the result of paragraph "b" shall be
41 2 credited against the amount of the one hundred thirty percent
41 3 qualifying wage threshold requirement that the business is
41 4 required to meet under subsection 1, paragraph "c".
41 5 d. The credit shall not be applied against the one hundred
41 6 percent of qualifying wage threshold requirement described in
41 7 subsection 1, paragraph "c".
41 8 Sec. 112. Section 15.330, subsection 4, Code 2011, is
41 9 amended to read as follows:
41 10 4. A project completion date, a maintenance period
41 11 completion date, the number of jobs to be created or retained,
41 12 or certain other terms and obligations described in ~~section~~
41 13 ~~15C.112, subsection 1, paragraph "d"~~ an agreement, as the
41 14 department deems necessary in order to make the requirements in
41 15 project agreements uniform. The department, with the approval
41 16 of the board, may adopt rules as necessary for making such
41 17 requirements uniform. Such rules shall be in compliance with
41 18 the provisions of this part ~~and with the provisions of chapter~~
41 19 ~~15G.~~
41 20 Sec. 113. Section 15.335A, subsection 1, unnumbered
41 21 paragraph 1, Code 2011, is amended to read as follows:
41 22 Tax incentives are available to eligible businesses as
41 23 provided in this section. The incentives are based upon the
41 24 number of jobs created or retained that pay at least one
41 25 hundred thirty percent of the qualifying wage threshold as
41 26 computed pursuant to section ~~15C.112~~ 15.329, subsection 4 1,
41 27 and the amount of the qualifying investment made according to
41 28 the following schedule:
41 29 Sec. 114. Section 15.335A, subsection 2, paragraphs b, c, f,
41 30 and g, Code 2011, are amended by striking the paragraphs.
41 31 Sec. 115. Section 15.335A, subsection 5, Code 2011, is
41 32 amended to read as follows:
41 33 5. The department shall negotiate the amount of tax
41 34 incentives provided to an applicant under the program
41 35 in accordance with this section ~~and section 15C.112, as~~



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~~42 1 applicable.~~

42 2 Sec. 116. Section 15A.7, subsection 3, Code 2011, is amended
42 3 to read as follows:

42 4 3. That the employer shall agree to pay wages for the jobs
42 5 for which the credit is taken of at least the county wage or
42 6 the regional wage, as calculated ~~by the department~~ pursuant to
42 7 ~~section 15C.112, subsection 3~~ 15.327, subsections 3A and 12A,
42 8 whichever is lower. Eligibility for the supplemental credit
42 9 shall be based on a one-time determination of starting wages by
42 10 the community college.

42 11 Sec. 117. Section 15E.193, subsection 1, paragraphs b
42 12 through d, Code 2011, are amended to read as follows:

42 13 b. (1) The business shall provide a sufficient package of
42 14 benefits to each employee holding a created or retained job.
42 15 For purposes of this paragraph, "created job" and "retained job"
42 16 have the same meaning as defined in ~~section 15C.101~~ 15.327.

42 17 (2) The board, upon the recommendation of the department,
42 18 shall adopt rules determining what constitutes a sufficient
42 19 package of benefits.

42 20 c. The business shall pay a wage that is at least ninety
42 21 percent of the qualifying wage threshold. For purposes of this
42 22 paragraph, "qualifying wage threshold" has the same meaning as
42 23 defined in ~~section 15C.101~~ 15.327.

42 24 d. Creates or retains at least ten full-time equivalent
42 25 positions and maintains them until the maintenance period
42 26 completion date. For purposes of this paragraph, "maintenance
42 27 period completion date" and "full-time equivalent position" have
42 28 the same meanings as defined in ~~section 15C.101~~ 15.327.

42 29 Sec. 118. Section 15E.231, unnumbered paragraph 1, Code
42 30 2011, is amended to read as follows:

~~42 31 In order for an An economic development region to receive~~
~~42 32 moneys under the grow Iowa values financial assistance program~~
~~42 33 established in section 15C.112, an shall establish a regional~~
42 34 development plan. An economic development region's regional
42 35 development plan must be approved by the department. An



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43 1 economic development region shall consist of not less than
43 2 three counties, unless two contiguous counties have a combined
43 3 population of at least three hundred thousand based on the
43 4 most recent federal decennial census. An economic development
43 5 region shall establish a focused economic development effort
43 6 that shall include a regional development plan relating to one
43 7 or more of the following areas:

43 8 Sec. 119. Section 15E.232, subsections 1, 3, 4, 5, 6, and 7,
43 9 Code 2011, are amended by striking the subsections.

43 10 Sec. 120. Section 15E.351, subsection 1, Code 2011, is
43 11 amended to read as follows:

43 12 1. The department shall establish and administer a business
43 13 accelerator program to provide financial assistance for
43 14 the establishment and operation of a business accelerator
43 15 for technology-based, value-added agricultural, information
43 16 solutions, alternative and renewable energy including the
43 17 alternative and renewable energy sectors listed in section
43 18 476.42, subsection 1, paragraph "a", or advanced manufacturing
43 19 start-up businesses or for a satellite of an existing business
43 20 accelerator. The program shall be designed to foster the
43 21 accelerated growth of new and existing businesses through the
43 22 provision of technical assistance. ~~The department, subject to~~
~~43 23 the approval of the economic development board, may provide~~
~~43 24 financial assistance under this section from moneys allocated~~
~~43 25 for regional financial assistance pursuant to section 15C.111,~~
~~43 26 subsection 9.~~

43 27 Sec. 121. Section 159A.6B, subsection 2, Code 2011, is
43 28 amended to read as follows:

43 29 2. The office may execute contracts in order to provide
43 30 technical support and outreach services for purposes of
43 31 assisting and educating interested persons as provided in this
43 32 section. The office may also contract with a consultant to
43 33 provide part or all of these services. The office may require
43 34 that a person receiving assistance pursuant to this section
43 35 contribute up to fifty percent of the amount required to



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44 1 support the costs of contracting with the consultant to provide
 44 2 assistance to the person. ~~The office shall assist the person~~
~~44 3 in completing any technical information required in order to~~
~~44 4 receive assistance by the department of economic development~~
~~44 5 pursuant to the value-added agriculture component of the grow~~
~~44 6 Iowa values financial assistance program established pursuant~~
~~44 7 to section 15C.112.~~

44 8 Sec. 122. Section 455B.104, subsection 2, Code 2011, is
 44 9 amended by striking the subsection.

44 10 Sec. 123. 2010 Iowa Acts, chapter 1184, section 26, is
 44 11 amended to read as follows:

44 12 SEC. 26. GROW IOWA VALUES FUND.

44 13 1. There is appropriated from the rebuild Iowa
 44 14 infrastructure fund to the department of economic development
 44 15 for deposit in the grow Iowa values fund, for the fiscal year
 44 16 beginning July 1, 2010, and ending June 30, 2011, the following
 44 17 amount, notwithstanding section 8.57, subsection 6, paragraph
 44 18 "c":

44 19 \$ 38,000,000

44 20 2. On the effective date of this section of this 2011 Iowa
 44 21 Act, any unobligated and unencumbered moneys appropriated in
 44 22 this section and section 27 of this 2010 Iowa Act, shall revert
 44 23 to the general fund of the state. Any repayments of moneys
 44 24 loaned from moneys appropriated in this section and section 27
 44 25 of this 2010 Iowa Act, and received after the effective date
 44 26 of this 2011 Iowa Act, shall be credited to the general fund of
 44 27 the state.

44 28 Sec. 124. 2010 Iowa Acts, chapter 1184, section 27, is
 44 29 amended to read as follows:

44 30 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION REDUCTION.

44 31 1. In lieu of the \$50,000,000 appropriated for the fiscal
 44 32 year beginning July 1, 2010, and ending June 30, 2011, from
 44 33 the grow Iowa values fund to the department of economic
 44 34 development pursuant to section 15G.111, subsection 3, there is
 44 35 appropriated from the grow Iowa values fund to the department



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45 1 of economic development for the fiscal year beginning July 1,
45 2 2010, and ending June 30, 2011, \$38,000,000 for the purposes of
45 3 making expenditures pursuant to chapter 15G.

45 4 2. On the effective date of this section of this 2011 Iowa
45 5 Act, an entity receiving moneys appropriated pursuant to this
45 6 section, with the exception of moneys allocated pursuant to
45 7 section 28, subsections 2 and 5, of this 2010 Iowa Act, shall
45 8 cease obligating or encumbering such moneys.

45 9 Sec. 125. REPEAL. Section 15E.233, Code 2011, is repealed.

45 10 Sec. 126. REPEAL. Sections 15G.101 and 15G.109 through
45 11 15G.115, Code 2011, are repealed.

45 12 Sec. 127. REPEAL. Section 266.19, Code 2011, is repealed.

45 13 Sec. 128. REPEAL. Section 455B.433, Code 2011, is repealed.

45 14 Sec. 129. EFFECTIVE DATE. The provisions of this division
45 15 of this Act amending 2010 Iowa Acts, chapter 1184, being deemed
45 16 of immediate importance, take effect upon enactment.

DIVISION XIII

COUNTY MENTAL HEALTH

AND DISABILITY SERVICES

45 20 Sec. 130. COUNTY WAITING LISTS.

45 21 1. There is appropriated from the general fund of the
45 22 state to the department of human services for the fiscal year
45 23 beginning July 1, 2010, and ending June 30, 2011, the following
45 24 amount, or so much thereof as is necessary, to be used for the
45 25 purposes designated:

45 26 To be credited to the risk pool in the property tax relief
45 27 fund created in chapter 426B and expended as provided in this
45 28 section:

45 29 \$ 25,000,000

45 30 2. The amount appropriated in this section is appropriated
45 31 from the risk pool to the department of human services for
45 32 distribution as provided in this section. Notwithstanding
45 33 section 8.33, moneys appropriated in this section that remain
45 34 unencumbered or unobligated at the close of the fiscal year
45 35 shall not revert but shall remain available for expenditure



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46 1 for the purposes designated until the close of the succeeding
46 2 fiscal year.

46 3 3. a. For the purposes of this section, "services fund"
46 4 means a county's mental health, mental retardation, and
46 5 developmental disabilities services fund created in section
46 6 331.424A.

46 7 b. The risk pool board shall implement a process for
46 8 distribution of the amount appropriated in this section to
46 9 counties to be used to provide eligibility for services and
46 10 other support payable from the counties' services funds for
46 11 persons who are eligible under county management plans in
46 12 effect as of December 31, 2010, but due to insufficient funding
46 13 are on a waiting list for the services and other support. The
46 14 period addressed by the funding appropriated in this section
46 15 begins on or after the effective date of this section and ends
46 16 June 30, 2012. Of the amount appropriated in this section, up
46 17 to \$5,000,000 shall be targeted to expand medical assistance
46 18 program waiver slots for those waivers for which counties pay
46 19 the nonfederal share of the costs.

46 20 c. The general assembly finds that as of the time of
46 21 enactment of this section, the funding appropriated in this
46 22 section is sufficient to eliminate the need for continuing
46 23 , instituting, or reinstating waiting lists during the
46 24 period addressed by the appropriation. However, the process
46 25 implemented by the risk pool board shall ensure there is
46 26 adequate funding so that a person made eligible for services
46 27 and other support from the waiting list would not be required
46 28 to return to the waiting list if a later projection indicates
46 29 the funding is insufficient to cover for the entire period all
46 30 individuals removed from the waiting list pursuant to this
46 31 section.

46 32 d. The funding provided in this section is intended to
46 33 provide necessary services for adults in need of mental health,
46 34 mental retardation, or developmental disabilities services
46 35 until improvements to the current system can be developed and



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47 1 enacted.
47 2 Sec. 131. ADULT MENTAL HEALTH AND DISABILITY SERVICE SYSTEM
47 3 REFORM.
47 4 1. The general assembly finds there is need to reform the
47 5 adult mental health and disability services system administered
47 6 by counties to address the needs of persons with mental
47 7 illness, mental retardation, or developmental disabilities.
47 8 Issues with the current system include the following:
47 9 a. Lack of a set of core services uniformly available
47 10 throughout the state.
47 11 b. Lack of uniformity in service expenditures throughout
47 12 the state.
47 13 c. Disparity in county levy rates for the services funds for
47 14 this system.
47 15 d. The need to improve the array of community-based services
47 16 and services to avoid the use or continued use of crisis
47 17 services.
47 18 e. The need to expand the availability of dual diagnosis
47 19 mental health and substance abuse services.
47 20 f. The need to improve the consistency of services available
47 21 to both youth and adult populations.
47 22 g. The need to address the medical assistance (Medicaid)
47 23 program changes in the federal Patient Protection and
47 24 Affordable Care Act (PPACA) that will greatly expand the
47 25 program's eligibility for persons in the service system
47 26 beginning in calendar year 2014.
47 27 h. Dissatisfaction with using county of legal settlement
47 28 determinations to determine county and state financial
47 29 responsibility for services.
47 30 2. In order to address the issues identified in subsection
47 31 1, the committees on human resources, appropriations, and ways
47 32 and means of the senate and house of representatives shall
47 33 propose legislation to address the following actions by the
47 34 dates indicated:
47 35 a. Phase-in of the state fully assuming the nonfederal



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48 1 share of the costs for Medicaid program services now borne by
48 2 counties by the implementation date of the Medicaid eligibility
48 3 changes under PPACA.
48 4 b. Provide property tax relief and equity by having the
48 5 state assume a greater role in funding the adult mental health
48 6 and disability services system from counties by July 1, 2012,
48 7 when the repeals contained in this division of this Act take
48 8 effect.
48 9 c. Shift the balance of responsibilities for the services
48 10 system between the state and counties so that the state
48 11 ensures greater uniformity and there is sufficient size to
48 12 develop effective services while maintaining the county role of
48 13 bringing local resources together in unique ways that best meet
48 14 the needs of clients, by implementing a new services system
48 15 structure by July 1, 2012, when the repeals contained in this
48 16 division of this Act take effect.
48 17 Sec. 132. Section 331.424A, Code 2011, is amended by adding
48 18 the following new subsection:
48 19 NEW SUBSECTION. 6. This section is repealed July 1, 2012.
48 20 Sec. 133. Section 331.438, Code 2011, is amended by adding
48 21 the following new subsection:
48 22 NEW SUBSECTION. 5. This section is repealed July 1, 2012.
48 23 Sec. 134. Section 331.439, Code 2011, is amended by adding
48 24 the following new subsection:
48 25 NEW SUBSECTION. 10. This section is repealed July 1, 2012.
48 26 Sec. 135. Section 331.440, Code 2011, is amended by adding
48 27 the following new subsection:
48 28 NEW SUBSECTION. 7. This section is repealed July 1, 2012.
48 29 Sec. 136. NEW SECTION. 426B.6 Future repeal.
48 30 This chapter is repealed July 1, 2012.
48 31 Sec. 137. CONFORMING PROVISIONS. The legislative services
48 32 agency shall prepare a study bill for consideration by the
48 33 committees on human resources of the senate and house of
48 34 representatives for the 2012 legislative session, providing
48 35 conforming Code changes for implementation of the repeal



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49 1 provisions contained in this division of this Act.

49 2 Sec. 138. EFFECTIVE UPON ENACTMENT. This division of this
49 3 Act, being deemed of immediate importance, takes effect upon
49 4 enactment.

49 5

DIVISION XIV

49 6

CORRECTIVE PROVISIONS

49 7

EARLY CHILDHOOD IOWA INITIATIVE

49 8 Sec. 139. 2010 Iowa Acts, chapter 1031, section 310, is
49 9 amended by adding the following new subsection:

49 10 5. a. References to community empowerment areas in 2010
49 11 Iowa Acts, shall be deemed to instead refer to early childhood
49 12 Iowa areas, including but not limited to such references made
49 13 in the following provisions:

49 14 (1) 2010 Iowa Acts, chapter 1183, section 6, subsection 10,
49 15 paragraph "c".

49 16 (2) 2010 Iowa Acts, chapter 1192, section 2, subsection 4,
49 17 paragraph "a".

49 18 (3) 2010 Iowa Acts, chapter 1192, section 6, subsection 12.

49 19 b. References to the Iowa empowerment fund and the school
49 20 ready children grants account in 2010 Iowa Acts, shall be
49 21 deemed to instead refer to the early childhood Iowa fund
49 22 and the comparable account within that fund, including
49 23 but not limited to such references made in the following
49 24 provisions: 2010 Iowa Acts, chapter 1183, section 6,
49 25 subsections 10, 11, and 12.

49 26 UNEMPLOYMENT COMPENSATION PROGRAM REFERENCE

49 27 Sec. 140. 2010 Iowa Acts, chapter 1188, section 22, is
49 28 amended to read as follows:

49 29 SEC. 22. UNEMPLOYMENT COMPENSATION

49 30 PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph
49 31 "a", moneys credited to the state by the secretary of the
49 32 treasury of the United States pursuant to section 903 of the
49 33 Social Security Act are appropriated to the department of
49 34 workforce development and shall be used by the department for
49 35 the administration of the unemployment compensation program



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50 1 only. This appropriation shall not apply to any fiscal year
50 2 beginning after December 31, ~~2009~~ 2010.

50 3 TERRACE HILL ==== DEPARTMENT OF ADMINISTRATIVE SERVICES
50 4 Sec. 141. 2010 Iowa Acts, chapter 1193, section 199, is
50 5 amended to read as follows:

50 6 SEC. 199. TERRACE HILL ==== GENERAL FUND ==== DEPARTMENT OF
50 7 ADMINISTRATIVE SERVICES. There is appropriated from the
50 8 general fund of the state to the department of administrative
50 9 services for the fiscal year beginning July 1, ~~2009~~ 2010,
50 10 and ending June 30, ~~2010~~ 2011, the following amount, or so
50 11 much thereof as is necessary, to be used for the purposes
50 12 designated:

50 13 For salaries, support, maintenance, and miscellaneous
50 14 purposes necessary for the operation of Terrace Hill, and for
50 15 not more than the following full-time equivalent positions:
50 16 \$ 263,329
50 17 FTEs 6.38

50 18 Sec. 142. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
50 19 APPLICABILITY. This division of this Act, being deemed
50 20 of immediate importance, takes effect upon enactment. The
50 21 provision amending 2010 Iowa Acts, chapter 1193, section 199,
50 22 applies retroactively to April 29, 2010, and the remaining
50 23 provisions apply retroactively to July 1, 2010.

EXPLANATION

50 25 This bill relates to public funding and regulatory matters
50 26 and makes, reduces, and transfers appropriations and revises
50 27 fund amounts. The bill is organized into divisions.

50 28 TAX RELIEF FUND. This division creates the tax relief fund
50 29 in new Code section 8.57E. The fund is to be used to make
50 30 appropriations providing tax relief. Legislative intent is
50 31 provided to enact appropriations for purposes of tax relief
50 32 pursuant to recommendations made by the general assembly's
50 33 standing committees on ways and means.

50 34 Code section 8.55 is amended to provide that when the Iowa
50 35 economic emergency fund achieves its maximum balance the excess



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51 1 funds are transferred to the tax relief fund instead of the
51 2 general fund of the state.

51 3 Code section 8.58, exempting the balances in existing
51 4 reserve funds from being considered in the application of any
51 5 formula, index, or other statutory triggering mechanism which
51 6 would affect appropriations, payments, or taxation rates, and
51 7 by an arbitrator or collective bargaining negotiation under
51 8 Code chapter 20, is amended by adding the new tax relief fund
51 9 to the list.

51 10 The division takes effect upon enactment, applies to
51 11 transfers made from the Iowa economic emergency fund to the
51 12 tax relief fund instead of the general fund on or after the
51 13 effective date, and requires the effect of such transfers to
51 14 be reflected by adjusting the state general fund expenditure
51 15 limitation calculated for fiscal year 2011=2012 accordingly.

51 16 UNIFORM PROVISIONS. This division includes requirements
51 17 applicable across state government.

51 18 Along with new Code section 8A.440, which is also included
51 19 in this division, a temporary law provision requires the
51 20 state's executive and judicial branch authorities responsible
51 21 for collective bargaining negotiations with applicable state
51 22 employee organizations, to discuss health insurance coverage
51 23 of state employees and their families in order to renegotiate
51 24 such coverage to achieve cost savings for the state. One of
51 25 the options to be discussed is a required monthly payment by
51 26 employees of at least \$100 of the cost of single coverage or a
51 27 like increase in the employee cost for family coverage.

51 28 Executive branch agencies are made subject to a limitation
51 29 on expenditures for office supplies, outside services purchase,
51 30 equipment purchases, information technology, and marketing
51 31 equal to 50 percent of the unexpended or unencumbered balances
51 32 remaining from the amounts budgeted for such purposes for the
51 33 remainder of fiscal year 2010=2011. Regents institutions
51 34 are exempted from the limitation because of appropriations
51 35 reductions in another division of the bill. If another



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52 1 provision of the bill directs an agency to apply a limitation
52 2 on expenditures made for information technology or reduces
52 3 the information technology portion of an appropriation made
52 4 to the agency, that limitation or reduction applies in lieu
52 5 of the limitation on expenditures for information technology
52 6 otherwise applicable under this provision. The technology
52 7 expenditure limitation does not apply to services provided
52 8 or expenditures for the public broadcasting division of
52 9 the department of education. In addition, authorization of
52 10 out-of-state travel paid for in whole or in part from the
52 11 general fund of the state for the remainder of fiscal year
52 12 2010=2011 is prohibited, unless a waiver is approved by the
52 13 executive council. The expenditure reductions are required to
52 14 be applied to appropriations by the department of management.
52 15 State agencies with state records stored in flood plains are
52 16 required, within six months of enactment, to find storage space
52 17 for the records that is not located in flood plains.
52 18 The revenue estimating conference is required to meet in
52 19 February or March 2011 upon request of the speaker of the house
52 20 or senate majority leader. In addition, to regularly issued
52 21 estimates, the conference is required to provide estimates for
52 22 fiscal year 2012=2013.
52 23 Code section 7E.3, relating to the powers and duties of the
52 24 heads of state departments and independent agencies, is amended
52 25 to include a duty to ensure the public benefits administered
52 26 by the department or agency are not provided to adults who are
52 27 unauthorized aliens not lawfully present in the United States.
52 28 New Code section 8A.440 requires state employees included
52 29 in or not covered by collective bargaining as provided in Code
52 30 chapter 20 to pay at least \$100 per month of the total premium
52 31 for state group health insurance for single persons. The
52 32 requirement applies to state employees covered by collective
52 33 bargaining agreements entered into on or after the effective
52 34 date of the division. Current law does not specify a minimum
52 35 required premium payment.



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53 1 Code section 68B.8 is amended to prohibit a state agency
53 2 of the executive branch of state government from employing a
53 3 person whose position with the agency is primarily representing
53 4 the agency relative to the passage, defeat, approval, or
53 5 modification of legislation that is being considered by the
53 6 general assembly. A person who knowingly and intentionally
53 7 violates this new provision as provided under Code section
53 8 68B.34 is guilty of a serious misdemeanor and may be
53 9 reprimanded, suspended, or dismissed from the person's position
53 10 or otherwise sanctioned. A serious misdemeanor is punishable
53 11 by confinement for not more than one year and a fine of at least
53 12 \$315 but not more than \$1,875.

53 13 The division takes effect upon enactment.

53 14 ADMINISTRATION AND REGULATION. This division includes
53 15 provisions applicable to administration and regulatory state
53 16 agencies.

53 17 The joint appropriations subcommittee on administration and
53 18 regulation is required to submit by April 4, 2010, proposed
53 19 legislation to the committees on appropriations providing
53 20 for eliminating and selling the pool of general use vehicles
53 21 maintained in Polk county and outsourcing state vehicle leasing
53 22 to a private entity. Until the close of fiscal year, the
53 23 department of administrative services is designated as the sole
53 24 department to operate the vehicle pool and is prohibited from
53 25 purchasing new passenger vehicles for the pool.

53 26 The division includes a requirement for the department
53 27 of administrative services to locate state employees in
53 28 office space in the most cost-efficient manner possible. The
53 29 department is prohibited from paying penalties for the early
53 30 termination of a lease for office space outside of the capitol
53 31 complex.

53 32 The bill requires the Iowa telecommunications and technology
53 33 commission to implement a request for proposals process to sell
53 34 or lease the Iowa communications network. The bill requires
53 35 the sale to be concluded or the lease to commence during the



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54 1 fiscal year beginning July 1, 2011. New Code section 8D.13A
54 2 authorizes the commission to lease network capacity, subject to
54 3 various cost and revenue restrictions.
54 4 The department's technology service purchasing for the
54 5 remainder of fiscal year 2010=2011 is limited to 50 percent of
54 6 the unexpended amount remaining as of the division's effective
54 7 date.
54 8 The department of management is directed to designate the
54 9 department of administrative services as the sole provider for
54 10 information technology services for purposes of providing such
54 11 services to agencies and other governmental entities, with
54 12 certain specified exceptions.
54 13 The appropriation made to the Iowa ethics and campaign
54 14 disclosure board in 2010 Iowa Acts, chapter 1189, section 7,
54 15 for fiscal year 2010=2011, is reduced. Any transfer made from
54 16 the cash reserve fund to an appropriation for the board for the
54 17 fiscal year under 2010 Iowa Acts, chapter 1193, is transferred
54 18 back to the cash reserve fund.
54 19 AGRICULTURE AND NATURAL RESOURCES. This division addresses
54 20 agriculture and natural resources.
54 21 The department of natural resources is prohibited from
54 22 entering into any new arrangement to acquire or control new
54 23 property, as defined by the bill, for the period from the
54 24 provision's effective date through the close of fiscal year
54 25 2010=2011. The restriction does not apply to donations. The
54 26 fiscal year 2010=2011 appropriation made from the environment
54 27 first fund for the Iowa resources enhancement and protection
54 28 fund is reduced.
54 29 The division takes effect upon enactment.
54 30 ECONOMIC DEVELOPMENT. This division addresses economic
54 31 development.
54 32 The save our small business fund and program in Code sections
54 33 15.300 and 15.301 are repealed and moneys appropriated to the
54 34 fund are eliminated. However, following the repeal, loans
54 35 awarded from the fund prior to the repeal are continued as



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55 1 provided by the terms of the loans.
55 2 A limitation is applied to the moneys expended by the
55 3 department of cultural affairs for purposes of the great places
55 4 program. The limitation is equal to any expended or encumbered
55 5 amount on the effective date of the division.
55 6 The division repeals Code section 15.421, which relates to
55 7 the generation Iowa commission.
55 8 2010 Iowa Acts, chapter 1186, is amended to require the
55 9 department of transportation, after July 1, 2011, to not renew
55 10 membership in North America's supercorridor coalition.
55 11 The division takes effect upon enactment.
55 12 EDUCATION. This division addresses education.
55 13 An appropriation made to the department of education in 2010
55 14 Iowa Acts, chapter 1183, is amended to reduce the amount for
55 15 general administration.
55 16 The funding for implementation of the statewide core
55 17 curriculum for schools and for the career information and
55 18 decision-making system are eliminated and legislative intent is
55 19 stated for amending the law relating to the curriculum.
55 20 Fiscal year 2010=2011 appropriations for the state board
55 21 of regents institutions at the university of Iowa, Iowa state
55 22 university of science and technology, and the university of
55 23 northern Iowa in 2010 Iowa Acts, chapter 1183, are reduced by
55 24 \$10 million. Legislative intent is provided for applying \$15
55 25 million reductions for each of the next two succeeding fiscal
55 26 years.
55 27 A library acquisition limitation is applied to the state
55 28 library under the department of education. The limitation
55 29 is equal to 50 percent of the unexpended or unobligated
55 30 amount remaining for the fiscal year that was designated for
55 31 acquisitions.
55 32 For the period beginning on enactment and ending June 30,
55 33 2012, the state board of regents is prohibited from approving
55 34 paid leaves of absence, also known as professional development
55 35 assignments sabbaticals, for any faculty member.



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56 1 The statewide voluntary preschool program in Code chapter
56 2 256C is repealed effective July 1, 2011, along with the
56 3 associated school aid funding provisions. A statement of
56 4 legislative intent calls for filling the needs addressed by the
56 5 program through expansion of the preschool tuition assistance
56 6 program provided through the school ready children grant
56 7 program administered under the early childhood Iowa initiative.
56 8 The bill makes conforming amendments.
56 9 The joint subcommittee on education is required to implement
56 10 provisions to consolidate administrative functions at the state
56 11 board of regents and the institutions under the board and at
56 12 the community colleges in order to reduce the amount that would
56 13 otherwise be budgeted for administrative functions for fiscal
56 14 year 2011=2012.
56 15 Code section 257.35 is amended to reduce area education
56 16 agencies budgets for fiscal year 2010=2011 and subsequent
56 17 fiscal years by \$10 million.
56 18 The division takes effect upon enactment except as otherwise
56 19 provided.
56 20 HEALTH AND HUMAN SERVICES. This division addresses health
56 21 and human services programs.
56 22 Code section 217.6, relating to rules and regulations of
56 23 the department of human services, is amended to require those
56 24 adopted for the public benefits administered by the department
56 25 to apply the residency eligibility restrictions required by
56 26 federal and state law.
56 27 The department on aging is required to submit a plan by
56 28 February 25, 2011, to various legislative committees to reduce
56 29 the number of area agencies on aging to not more than five
56 30 effective July 1, 2011.
56 31 The joint appropriations subcommittee on health and human
56 32 services is directed to develop and include in appropriations
56 33 legislation a new reimbursement methodology for juvenile
56 34 shelter care providers for use beginning July 1, 2011. The new
56 35 reimbursement methodology is required to end the practice of



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57 1 providing reimbursement for unused shelter care beds.
57 2 The appropriation made in 2009 Iowa Acts, chapter 183, for
57 3 the costs of the legislative health care coverage commission
57 4 is reduced.
57 5 Appropriations and allocations made to the department of
57 6 public health in 2010 Iowa Acts, chapter 1192, for addictive
57 7 disorders, community capacity, healthy aging, and public
57 8 protection, are reduced. The department is specifically
57 9 required to cancel smoking cessation and prevention efforts,
57 10 including the initiative just eliminate lies and other youth
57 11 programs and the quitline Iowa initiative. The department
57 12 of human services is directed to revise Medicaid program
57 13 requirements regarding smoking cessation medications and
57 14 related services to replace the quitline Iowa referral
57 15 requirements. The joint appropriations subcommittee on health
57 16 and human services is required to consult with the standing
57 17 committees on human resources to recommend legislation to
57 18 revise the youth programs effective July 1, 2011, in order to
57 19 eliminate unnecessary and wasteful expenditures.
57 20 Family planning waiver provisions under the Medicaid program
57 21 are revised in 2010 Iowa Acts, chapter 1192, section 11, to
57 22 reduce income eligibility from the current 300 percent to 133
57 23 percent of the federal poverty level, eliminate eligibility
57 24 for persons whose insurance coverage does not include family
57 25 planning, reduce the upper age eligibility from 55 to 45 years,
57 26 and exclude pregnancy prevention services as soon as federal
57 27 approval can be obtained.
57 28 The division takes effect upon enactment.
57 29 INFRASTRUCTURE AND TRANSPORTATION. This division includes
57 30 provisions involving infrastructure and transportation
57 31 appropriations.
57 32 The department of transportation is prohibited from paying
57 33 for wildflowers or other plants intended for aesthetic purposes
57 34 from the effective date of the bill until June 30, 2011.
57 35 2010 Iowa Acts, chapter 1184, eliminates an appropriation



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58 1 from the rebuild Iowa infrastructure fund to the department of
58 2 natural resources for FY 2010=2011 for purposes of an asset
58 3 manager at Honey creek resort state park.
58 4 Code chapter 18B, relating to land use smart planning, is
58 5 repealed. The division also eliminates the Iowa smart planning
58 6 task force. Any award to a city or county that applies smart
58 7 planning principles and guidelines pursuant to Code sections
58 8 18B.1 and 18B.23, Code 2011, granted from moneys appropriated
58 9 to the Iowa jobs board for a disaster prevention program
58 10 that provides grants to cities and counties applying smart
58 11 planning principles and guidelines, for which a contract has
58 12 not been entered into by the effective date of the division,
58 13 is rescinded. Additional such awards cannot be granted after
58 14 the effective date of the division. The division requires
58 15 the joint appropriations subcommittee on transportation,
58 16 infrastructure, and capitals to make recommendations regarding
58 17 reductions of all identifiable appropriations enacted by the
58 18 Eighty=third General Assembly for purposes of sustainable
58 19 communities projects.
58 20 An appropriation for purposes of a free shuttle service in
58 21 Des Moines is reduced.
58 22 Three appropriations related to passenger rail service made
58 23 in 2009 Iowa Acts, chapter 184 and 2010 Iowa Acts, chapter
58 24 1184, along with a statement of legislative intent to provide
58 25 funding of up to \$20 million over a four=year period to match
58 26 federal funds, are eliminated or reduced.
58 27 An appropriation is eliminated that was made in 2008 Iowa
58 28 Acts, chapter 1179, for fiscal year 2008=2009 from the rebuild
58 29 Iowa infrastructure fund to the department of transportation
58 30 for purposes of a depot and platform to accommodate future
58 31 Amtrak service from Dubuque to Chicago.
58 32 The division takes effect upon enactment.
58 33 JUSTICE SYSTEM. This division addresses the justice system
58 34 and provides a fiscal year 2010=2011 supplemental appropriation
58 35 for the state public defender for indigent defense.



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59 1 The appropriation made to the judicial branch in 2010 Iowa
59 2 Acts, chapter 1185, is amended to require the judicial branch
59 3 to transfer money from the appropriation to the state public
59 4 defender for deposit into the indigent defense fund when an
59 5 attorney fee claim exceeds the fee limitations established in
59 6 Code section 13B.4 if the case is not unusually complicated as
59 7 defined under 493 IAC 12.5(4). After the immediate effective
59 8 date of this amendment, in each case where the state public
59 9 defender approves or the court orders an attorney fee claim in
59 10 excess of the fee limitations and the case is not unusually
59 11 complicated, the judicial branch is required to transfer an
59 12 amount equal to the portion of the fee claim in excess of the
59 13 fee limitations to the jury and witness fee fund established in
59 14 Code section 602.1302 for transfer to the state public defender
59 15 and eventual deposit into the indigent defense fund. The
59 16 transfers in this division are in response to *Simmons v. State*
59 17 *Public Defender*, No. 07=0870 (Iowa 2010).
59 18 This division takes effect upon enactment.
59 19 POWER FUND. This division addresses the power fund and the
59 20 office of energy independence.
59 21 Code chapter 469 is repealed, which provides for the
59 22 establishment and administration of the office of energy
59 23 independence, the Iowa power fund, and related renewable energy
59 24 and energy efficiency projects. With the exception of Code
59 25 sections 469.9 and 469.10 relating to the appropriation and the
59 26 fund, the Code chapter is repealed effective upon enactment.
59 27 Code sections 469.9 and 469.10 are repealed July 1, 2011.
59 28 The division provides that the department of economic
59 29 development shall assume the duties of the office of energy
59 30 independence until otherwise determined by the general
59 31 assembly. During the 2011 Legislative Session of the
59 32 Eighty=fourth General Assembly, the joint appropriations
59 33 subcommittee on economic development shall include Code
59 34 provisions relating to the transfer of departmental authority
59 35 from the office of energy independence to another state entity



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60 1 in a proposed committee on appropriations bill.
60 2 Transition provisions are included regarding the transfer of
60 3 moneys retained in any account or fund under the control of the
60 4 office of energy independence on the division's effective date,
60 5 the continuation of any license, permit, or contract issued
60 6 or entered into by the office in effect on the division's
60 7 effective date, and the continuation of grants or loans awarded
60 8 from the Iowa power fund prior to the division's effective
60 9 date. Transition provisions are also included relating to the
60 10 transfer of federal funds being utilized by the director of
60 11 the office prior to the division's effective date to employ
60 12 personnel necessary to administer the provisions of the
60 13 division to the department or other state agency as determined
60 14 by the general assembly.
60 15 The division takes effect upon enactment.
60 16 REBUILD IOWA OFFICE. This division addresses the rebuild
60 17 Iowa office.
60 18 Currently, the rebuild Iowa office is scheduled to be
60 19 repealed on June 30, 2011. This division changes the repeal
60 20 date to be effective upon enactment and makes conforming
60 21 amendments. All duties of the office are transferred to the
60 22 homeland security and emergency management division of the
60 23 department of public defense.
60 24 The division requires the joint appropriations subcommittee
60 25 on the justice system to consult with the homeland security
60 26 and emergency management division of the department of public
60 27 defense and other entities in proposing legislation identifying
60 28 appropriate state agencies to assume duties of the office.
60 29 This division takes effect upon enactment.
60 30 GROW IOWA VALUES FUND AND PROGRAM. This division addresses
60 31 the grow Iowa values fund.
60 32 This division repeals Code sections related to the grow
60 33 Iowa values fund and financial assistance program and makes
60 34 conforming amendments. The division amends two 2010 Iowa Acts
60 35 provisions to prohibit the department of economic development



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House File 45 - Introduced continued

61 1 from further obligating any moneys appropriated for purposes
61 2 of the grow Iowa values fund for fiscal year 2010=2011
61 3 and requires that unobligated and unencumbered moneys are
61 4 credited to the general fund of the state, which take effect
61 5 upon enactment. The division requires repayments on moneys
61 6 loaned from the appropriated moneys to be credited to the
61 7 general fund of the state.

61 8 COUNTY MENTAL HEALTH AND DISABILITY SERVICES. This division
61 9 relates to the county administered system for adult mental
61 10 health, mental retardation, and developmental disabilities
61 11 services.

61 12 An appropriation is made from the general fund of the state
61 13 to the risk pool for such county services to be used for the
61 14 period beginning on the effective date of the division through
61 15 June 30, 2012, to pay for the service costs of eligible persons
61 16 who are on a county waiting list for the services.

61 17 Legislative purpose and findings are stated in a section
61 18 addressing reform of the county administered system. The
61 19 standing committees on human resources, appropriations, and
61 20 ways and means of the senate and house of representatives are
61 21 directed to propose legislation necessary to implement various
61 22 actions by dates specified in the section and to address the
61 23 Code repeals contained in the division.

61 24 The following Code provisions are repealed on July 1, 2012:
61 25 section 331.424A, establishing county mental health, mental
61 26 retardation, and developmental disabilities services funds and
61 27 authorizing levies for the funds; section 331.438, outlining
61 28 requirements for county mental health, mental retardation, and
61 29 developmental disabilities services expenditures and joint
61 30 state=county planning, implementing, and funding; section
61 31 331.439, requiring county management plans and other provisions
61 32 regarding county eligibility for state property tax relief and
61 33 allowed growth funding; section 331.440, providing for creation
61 34 of the county central point of coordination process and county
61 35 management of state case services; and chapter 426B, relating



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62 1 to property tax relief funding for the county administered
62 2 services, risk pool funding, and related provisions.

62 3 The legislative services agency is directed to prepare
62 4 legislation to conform other Code provisions to the repeals
62 5 contained in the division.

62 6 The division takes effect upon enactment.

62 7 CORRECTIVE PROVISIONS. This division corrects session law
62 8 enactments made in 2010 Iowa Acts.

62 9 A provision in 2010 Iowa Acts, chapter 1031, relating to
62 10 state government reorganization, is amended by adding a new
62 11 subsection to section 310, which provided transition language
62 12 for the change in the community empowerment initiative to the
62 13 early childhood Iowa initiative. The new subsection provides
62 14 that references to community empowerment areas in various
62 15 session law requirements are deemed to instead refer to early
62 16 childhood Iowa areas. References to the school ready children
62 17 account of the Iowa empowerment fund are deemed instead to
62 18 refer to the comparable account in the early childhood Iowa
62 19 fund. This provision is retroactively applicable to July 1,
62 20 2010.

62 21 A date reference in 2010 Iowa Acts, chapter 1188, relating
62 22 to economic development appropriations, is amended. The
62 23 date reference is in section 22 and relates to federal
62 24 moneys appropriated for administration of the unemployment
62 25 compensation program. The appropriation is restricted to not
62 26 be applicable to federal fiscal years beginning after December
62 27 31, 2009, and the year date is changed by the amendment to
62 28 2010. This provision is retroactively applicable to July 1,
62 29 2010.

62 30 An appropriation made in 2010 Iowa Acts, chapter 1193,
62 31 commonly referred to as the standing appropriations bill, is
62 32 amended to correct the fiscal year in section 199. This fiscal
62 33 year for this appropriation, made from the general fund to the
62 34 department of administrative services for personnel costs at
62 35 Terrace Hill, is changed from fiscal year 2009=2010 to fiscal



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63 1 year 2010=2011. This provision is retroactively applicable to

63 2 the Act's effective date of April 29, 2010.

63 3 The division takes effect upon enactment.

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House Study Bill 2

PAG LIN

HOUSE RESOLUTION NO.

BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES
RESOLUTION BY CHAIRPERSON SCHULTE)

1 1 A Resolution relating to permanent rules of the House
1 2 for the eighty=fourth general assembly.

1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
1 4 the permanent rules of the House for the ~~eighty=third~~
~~1 5~~ eighty=fourth general assembly be as follows:

1 6 DIVISION I == GENERAL RULES

1 7 Rule 1

1 8 Call to Order and Order of Business

1 9 The speaker shall take the chair at the hour to
1 10 which the house has adjourned, and shall immediately
1 11 call the house to order, correct the journal of the
1 12 previous day's proceedings, and proceed to other
1 13 business, including, but not limited to, introduction
1 14 of bills, reports, messages, communications, business
1 15 pending at adjournment, announcements, resolutions
1 16 and bills on their passage, and points of personal
1 17 privilege.

1 18 Rule 2

1 19 Quorum Call and Time of Convening

1 20 The house shall convene each Monday at 1:00 p.m. and
1 21 at ~~9:00~~ 8:30 a.m. on all other legislative days, unless
1 22 otherwise ordered. The time of convening shall be
1 23 recorded in the journal. The house shall not convene
1 24 on Sunday during a regular or special session.

1 25 The speaker or a member may request a roll call to
1 26 determine if a quorum is present.

1 27 Rule 3



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House Study Bill 2 continued

2 1 Absences from the House
2 2 No member shall be absent without leave while the
2 3 house is in session unless excused for good cause.
2 4 Rule 4
2 5 Preservation of Order
2 6 The speaker shall preserve order and decorum and
2 7 speak to points of order. Subject to an appeal to the
2 8 house by any member, the speaker shall decide questions
2 9 of order which shall not be debated.
2 10 The speaker may have the chamber of the house
2 11 cleared in case of any disturbance or disorderly
2 12 conduct.
2 13 Only past legislators, state officials, persons
2 14 whose presence is deemed by the speaker to be of
2 15 special significance to the house, and school classes
2 16 accompanied by teachers and seated in the galleries
2 17 shall be introduced in the house.
2 18 No person other than a member of the house shall be
2 19 allowed to speak from the floor of the house without
2 20 prior permission of the speaker.
2 21 The public may take photographs from the galleries
2 22 at any time. However, the use of flash bulbs or any
2 23 other artificial lighting is prohibited.
2 24 Members of the press may photograph from the press
2 25 box, but shall not use artificial lighting without
2 26 prior permission from the chief clerk of the house.
2 27 Photographs shall not be taken on the house floor when
2 28 the members are voting on a question put before the
2 29 house. Photographs of the voting boards shall not be
2 30 taken while a nonrecord roll call vote is displayed.



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House Study Bill 2 continued

3 1 Photographs may be taken on the house floor at other
3 2 times with the consent of the subject or subjects of
3 3 the photography.

3 4 Rule 4A

3 5 Use of Telephonic or Electronic Devices in Chamber
3 6 Restricted

3 7 1. A person present in the house chamber while the
3 8 house is in order shall mute any cell phone, computer,
3 9 or other electronic device under the person's control.
3 10 The speaker may remove from the chamber any person
3 11 acting in violation of this rule.

3 12 2. A member shall not use a cell phone or other
3 13 electronic device to audibly transmit or receive
3 14 communications while recognized by the presiding
3 15 officer to speak in debate.

3 16 Rule 5

3 17 Rules of Parliamentary Practice

3 18 The rules of parliamentary practice in Mason's
3 19 Manual of Legislative Procedure shall govern the house
3 20 in all cases where they are not inconsistent with the
3 21 standing rules of the house, joint rules of the house
3 22 and senate, or customary practice of the house.

3 23 Rule 5A

3 24 House Budget

3 25 The speaker of the house shall annually prepare a
3 26 proposed budget for the house of representatives for
3 27 the payment of expenses, salaries, per diems, and other
3 28 items. The proposed budget shall be submitted on the
3 29 fourteenth day of each legislative session to the house
3 30 administration and rules committee, which shall approve



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House Study Bill 2 continued

4 1 a proposed budget in house resolution form. The house
4 2 shall adopt a budget prior to adjournment.
4 3 Rule 6
4 4 The Speaker Pro Tempore
4 5 The house shall, at its pleasure, elect a speaker
4 6 pro tempore. When the speaker shall for any cause be
4 7 absent, the speaker pro tempore shall preside, except
4 8 when the chair is filled by appointment by either the
4 9 speaker or the speaker pro tempore. If a vacancy
4 10 occurs in the office of speaker, the speaker pro
4 11 tempore shall assume the duties and responsibilities of
4 12 the speaker until such time as the house shall elect a
4 13 new speaker. The speaker or the speaker pro tempore
4 14 shall have the right to name any member to perform the
4 15 duties of speaker, but such substitution shall not
4 16 extend beyond the adjournment. The acts of the speaker
4 17 pro tempore shall have the same validity as those of
4 18 the speaker. In the absence of both the speaker and
4 19 the speaker pro tempore, the house shall name a speaker
4 20 who shall preside over it and perform all the duties of
4 21 the speaker with the exception of signing bills, until
4 22 such time as the speaker or speaker pro tempore shall
4 23 be present, and the person's acts shall have the same
4 24 force and validity as those of the regularly elected
4 25 speaker.
4 26 Rule 7
4 27 Amendment of Rules
4 28 A motion to change or rescind a standing rule or
4 29 order of the house requires one day's notice.
4 30 Rule 8



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House Study Bill 2 continued

5 1 Violation of House Rules

5 2 The speaker shall, or any member may, call to order
5 3 a member who violates the rules of the house. With
5 4 leave of the house, the member called to order may be
5 5 permitted to explain. If the case requires it, the
5 6 member shall be subject to censure of the house.

5 7 Rule 9

5 8 Referral of Rule Violations

5 9 The speaker shall, upon complaint of a member,
5 10 or upon the speaker's own motion, refer any alleged
5 11 violation of house or joint rules by house members,
5 12 employees or staff to the house ethics committee upon
5 13 an initial finding that an investigation is warranted.

5 14 The ethics committee shall investigate such
5 15 allegations and report them back to the house with a
5 16 recommendation.

5 17 Rule 10

5 18 Recognition and Decorum in Debate

5 19 A member who wishes to speak in debate shall be
5 20 appropriately attired, with male members wearing coat
5 21 or tie. After recognition by the chair, a member
5 22 shall respectfully address the presiding officer
5 23 by saying "Mr. or Madam Speaker". A member shall
5 24 confine all remarks to the question under debate,
5 25 shall be respectful of other members, and shall avoid
5 26 referencing or questioning the motives of another
5 27 member.

5 28 Rule 11

5 29 Limit on Debate

5 30 No member shall speak more than once on the same



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House Study Bill 2 continued

6 1 question without leave of the speaker, nor more than
6 2 twice until every member choosing to speak has spoken,
6 3 except as provided in Rule 81. A member shall be
6 4 limited to ten minutes debate on bills, resolutions,
6 5 and amendments, but may be granted an extension of time
6 6 by consent of the house. However, the floor manager
6 7 of a bill or resolution and the lead sponsor of an
6 8 amendment may exceed the ten-minute limit on opening
6 9 and closing remarks.

6 10 Rule 12

6 11 Decorum During Debate

6 12 No member shall leave the house while the speaker
6 13 is putting a question. No one shall pass between the
6 14 speaker and a member who is speaking or two members who
6 15 have been recognized by the speaker.

6 16 Rule 13

6 17 Stating the Question

6 18 When a motion is made, it shall be stated by the
6 19 speaker. A motion made in writing shall be passed to
6 20 the speaker's station before it is debated.

6 21 Rule 14

6 22 Putting the Question

6 23 Questions shall be distinctly put in this form:

6 24 "All those in favor of (the question) shall say 'aye';"
6 25 and after the affirmative voice is expressed, "All
6 26 those opposed to (the question) shall say 'no'." If
6 27 the speaker is in doubt or a member of the house
6 28 requests, a nonrecord roll call vote shall be taken.

6 29 DIVISION II == EMPLOYEES OF THE HOUSE

6 30 Rule 15



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House Study Bill 2 continued

7 1 Chief Clerk of the House
7 2 The chief clerk of the house shall serve as
7 3 parliamentarian and chief administrative officer of the
7 4 house under the direction of the speaker of the house.
7 5 The chief clerk shall supervise the chief clerk's
7 6 office; be responsible for the custody and safekeeping
7 7 of all bills, resolutions, and amendments filed,
7 8 except when they are in the custody of a committee;
7 9 have charge of the daily journal; have control of all
7 10 rooms assigned for the use of the house; attest to the
7 11 accuracy and correctness of text and action on bills
7 12 and resolutions; process the handling of amendments
7 13 when filed and during the floor consideration of bills;
7 14 insert adopted amendments into bills before transmittal
7 15 to the senate and prior to final enrollment; supervise
7 16 legislative printing and the distribution of printed
7 17 material; and perform all other duties pertaining to
7 18 the office of the chief clerk.
7 19 Rule 16
7 20 Legislative and Session Days
7 21 For purposes of these rules, a legislative day is a
7 22 day when the house is called to order. A legislative
7 23 day that runs past midnight is not considered a new
7 24 legislative day. A session day is any calendar day
7 25 beginning with the convening of the annual regular
7 26 session and ending with adjournment sine die.
7 27 Rule 17
7 28 Sergeant=At=Arms
7 29 The sergeant=at=arms shall execute all orders
7 30 of the house and the presiding officer; perform all



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House Study Bill 2 continued

8 1 assigned duties related to the policing and good order
8 2 of the house; supervise the entrance and exit of all
8 3 persons to and from the chamber; promptly execute all
8 4 messages, etc.; provide that the chamber is properly
8 5 ventilated and open for the use of the members; and
8 6 perform all other services pertaining to the office of
8 7 sergeant-at-arms.

8 8 Rule 18

8 9 Secretaries

8 10 Each member may hire a secretary for the legislative
8 11 session who shall be under the general direction of the
8 12 member and the chief clerk. Secretaries shall be on
8 13 duty at the house from 8:00 a.m. to 4:30 p.m. Monday
8 14 through Thursday and on other legislative days when
8 15 required by the chief clerk, except when excused by the
8 16 member for whom the secretary works. Secretaries shall
8 17 perform such duties as may be assigned to them by the
8 18 member or the chief clerk.

8 19 Rule 19

8 20 Extra Compensation of Employees

8 21 No employee shall receive any extra compensation,
8 22 except as provided by the house, or tips for services
8 23 performed while on duty. Any violation of this rule
8 24 shall be grounds for removal.

8 25 DIVISION III == VISITORS AND LOBBYISTS

8 26 Rule 20

8 27 Admission to the House; Lobbying

8 28 The chamber of the house shall include the
8 29 vestibule, restrooms, bill room, lounge, visitors'
8 30 galleries, and floor of the house.



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House Study Bill 2 continued

9 1 The floor of the house shall consist of the
9 2 area between the north and south walls, including
9 3 the representatives' desks, the press box, and the
9 4 speaker's station, but excluding the visitors'
9 5 galleries.
9 6 During a legislative day while the house is in
9 7 order, no member of the general assembly or legislative
9 8 employee or intern shall be admitted to the floor of
9 9 the house if attired in jeans of any color without
9 10 leave of the speaker.
9 11 During a legislative day while the house is in
9 12 order, and one-half hour before the house convenes and
9 13 one-half hour after the house recesses or adjourns,
9 14 no person shall be admitted to the floor of the house
9 15 except:
9 16 1. Members of the general assembly and authorized
9 17 legislative employees in the performance of their
9 18 duties.
9 19 2. Former members of the general assembly who are
9 20 not registered lobbyists.
9 21 3. A general assembly member's family.
9 22 4. Representatives of the press, radio, and
9 23 television who shall go directly to and from the press
9 24 box.
9 25 5. Legislative interns registered with the chief
9 26 clerk who shall go directly to and from the seat of
9 27 their assigned representative or to be seated in the
9 28 perimeter seating area.
9 29 6. Designated representatives of a political party
9 30 having members serving in the house.



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House Study Bill 2 continued

10 1 7. Members of the state executive council, the
10 2 lieutenant governor, the attorney general, the
10 3 governor's executive assistants and administrative
10 4 assistants, and the administrative rules coordinator,
10 5 all of whom shall be confined to the perimeter area.
10 6 The current status of former members of the general
10 7 assembly shall govern their access to the floor under
10 8 these rules.
10 9 No other persons shall be allowed on the house floor
10 10 while the house is in order without permission of the
10 11 presiding officer of the house. When the house is not
10 12 in order, guests of a member of the general assembly
10 13 escorted by that member shall be allowed on the house
10 14 floor.
10 15 No person admitted to the floor of the house while
10 16 the house is in order, except members of the general
10 17 assembly, shall lobby or attempt to exercise any
10 18 influence with any member for or against any matter
10 19 then pending or that may thereafter be considered by
10 20 the house.
10 21 A registered lobbyist shall not be admitted to
10 22 the floor of the house on any legislative day except
10 23 for ceremonial purposes or for attendance at public
10 24 hearings.
10 25 A lobbyist who represents the position of a state
10 26 government agency, in which the person serves or is
10 27 employed as the designated representative for purposes
10 28 of encouraging the passage or defeat of legislation,
10 29 shall file with the chief clerk of the house a
10 30 statement of the general subjects of legislation in



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House Study Bill 2 continued

11 1 which the lobbyist is or may be interested, but shall
11 2 not lobby for or against a bill, resolution, or study
11 3 bill unless the lobbyist does so with the written
11 4 authorization and on behalf of a statewide elected or
11 5 retained official. The written authorization shall be
11 6 filed with the chief clerk by the following statewide
11 7 elected or retained official for the following offices,
11 8 departments, agencies, and branch:
11 9 By the attorney general, auditor of state, secretary
11 10 of state, and treasurer of state, for their respective
11 11 offices.
11 12 By the secretary of agriculture, for the department
11 13 of agriculture and land stewardship.
11 14 By the governor, for all other executive branch
11 15 offices and departments.
11 16 By the chief justice of the supreme court, for the
11 17 judicial branch.
11 18 Each member, employee of the house, and registered
11 19 lobbyist shall report violations of this rule
11 20 immediately to the sergeant-at-arms.
11 21 Any person for cause may be summarily dismissed
11 22 from the chamber of the house, by action of the house,
11 23 and may forfeit that person's right to admission
11 24 thereafter.
11 25 Rule 20A
11 26 Legislative Interns
11 27 A member may appoint one or more interns who shall
11 28 register with the chief clerk. Only one legislative
11 29 intern per member of the house is allowed on the floor
11 30 of the house at any one time.



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House Study Bill 2 continued

12 1 Rule 21
12 2 Distribution of Literature
12 3 No person except a member or employee of the house
12 4 of representatives shall generally distribute or cause
12 5 to be distributed any pamphlets, material, or other
12 6 printed literature, or any other items to the members'
12 7 desks in the house. An employee of the house shall
12 8 generally distribute or cause to be distributed such
12 9 literature or items only on behalf of the employee's
12 10 office or staff. Items which are permissible gifts
12 11 under chapter 68B of the Code may be distributed to
12 12 the members' desks with the authorization of the chief
12 13 clerk.
12 14 All copies of pamphlets, material, or printed
12 15 literature distributed by a member or employee of the
12 16 house of representatives shall bear the name of the
12 17 member or employee's office or staff.
12 18 Other distributions of pamphlets, material, or other
12 19 printed literature shall bear their source of origin
12 20 and be distributed through the legislative post office
12 21 by completing a form containing a member's or the chief
12 22 clerk's authorization, with the authorization form
12 23 attached to one copy of the distribution. The copy
12 24 with the attached authorization form shall be retained
12 25 for a reasonable time period by the legislative post
12 26 office.
12 27 Rule 22
12 28 Distribution of Materials Printed by the State
12 29 A member of the house shall not distribute maps,
12 30 books, and pamphlets which have been printed by the



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13 1 state of Iowa and upon which the name of the member
13 2 of the house has been affixed unless the member has
13 3 purchased the materials or unless the member has
13 4 affixed the words "Paid for by the citizens of Iowa and
13 5 distributed by representative (member's name)."
13 6 DIVISION IV == FORMS AND PROCEDURES FOR BILLS AND OTHER
13 7 DOCUMENTS
13 8 Rule 23
13 9 Documents Signed by the Speaker
13 10 All acts and joint resolutions shall be signed by
13 11 the speaker, and all writs, warrants, and subpoenas
13 12 issued by order of the house, shall be signed by the
13 13 speaker and attested by the chief clerk. The speaker
13 14 shall cause certificates of recognition or condolence
13 15 to be issued by the house which shall be signed by
13 16 the speaker and the chief clerk. The chief clerk
13 17 shall maintain a list of certificates issued including
13 18 the name of the requesting member of the house, the
13 19 name of the recipient, the reason for recognition or
13 20 condolence, and the date of issuance.
13 21 Rule 24
13 22 Presentation of Petitions
13 23 All petitions, memorials, and other papers addressed
13 24 to the house shall be signed by the member and filed
13 25 with the chief clerk. The receipt of petitions shall
13 26 be noted in the journal and such petitions shall be
13 27 available in the office of the chief clerk.
13 28 Rule 25
13 29 Consideration of Simple and Concurrent Resolutions
13 30 Action on a simple or concurrent resolution, except



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14 1 a memorial resolution, shall not be taken until one day
14 2 after the resolution has been placed on the members'
14 3 desks. After the resolution is adopted, the chief
14 4 clerk shall have the resolution printed in the compiled
14 5 journal and shall transmit certified copies of the
14 6 resolution as directed.

14 7 Rule 26

14 8 Unanimous Consent Calendar

14 9 The speaker may, upon the request of three members,
14 10 place on a unanimous consent calendar any house
14 11 resolution or concurrent resolution which does not
14 12 contain an appropriation and which has been laid over
14 13 under Rule 25.

14 14 If such resolution is placed on the unanimous
14 15 consent calendar, it may be removed only upon a written
14 16 request submitted to the speaker by a member of the
14 17 house.

14 18 If not removed after five legislative days, the
14 19 chief clerk shall call up the resolution and without
14 20 debate the speaker shall pronounce that it has passed
14 21 by unanimous consent.

14 22 If the resolution is removed from the unanimous
14 23 consent calendar, the speaker may again lay the
14 24 resolution over under Rule 25, place it on a different
14 25 calendar, or refer the resolution to any of the
14 26 standing committees of the house.

14 27 Rule 26A

14 28 Senate Bills and Resolutions

14 29 A senate bill or resolution may be referred to a
14 30 standing committee or passed on file.



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House Study Bill 2 continued

15 1 Rule 27

15 2 Forms of Bills and Joint Resolutions

15 3 Every house bill shall be introduced by one or more
15 4 members or by any standing or specially authorized
15 5 committee of the house or the administrative rules
15 6 review committee. All bills and joint resolutions
15 7 introduced shall be prepared by the legislative
15 8 services agency with title, enacting clause, text
15 9 and explanation as directed by the chief clerk of the
15 10 house. One copy of each bill shall be presented in a
15 11 bill cover with the number of copies of the bill and
15 12 the title as directed by the chief clerk.

15 13 Rule 28

15 14 Joint and Nullification Resolutions

15 15 Joint resolutions shall be framed and treated as
15 16 bills.

15 17 A "nullification resolution" is a joint resolution
15 18 which nullifies all of an administrative rule, or
15 19 a severable item of an administrative rule adopted
15 20 pursuant to chapter 17A of the Code. A nullification
15 21 resolution shall not amend an administrative rule by
15 22 adding language or by inserting new language in lieu
15 23 of existing language.

15 24 A nullification resolution may be introduced by an
15 25 individual, a standing committee or the administrative
15 26 rules review committee, and may be referred to a
15 27 standing committee. A nullification resolution is
15 28 debatable, but cannot be amended on the floor of the
15 29 house.

15 30 Rule 29



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16 1 Time of Introduction of Bills
16 2 No bill or joint resolution under individual
16 3 sponsorship, other than a nullification resolution,
16 4 shall be read for the first time after 4:30 p.m. on
16 5 Friday of the ~~6th~~ 5th week of the first regular session
16 6 of the general assembly unless a formal request for
16 7 drafting the bill has been filed with the legislative
16 8 services agency before that time.
16 9 After adjournment of the first regular session,
16 10 bills may be prefiled at any time before the convening
16 11 of the second regular session. No bill or joint
16 12 resolution under individual sponsorship, other than a
16 13 nullification resolution, shall be read for the first
16 14 time after 4:30 p.m. on Friday of the second week of
16 15 the second regular session of the general assembly
16 16 unless a formal request for drafting the bill has been
16 17 filed with the legislative services agency before that
16 18 time.
16 19 However, bills or joint resolutions sponsored
16 20 by standing committees or the administrative rules
16 21 review committee, co-sponsored by the majority and
16 22 minority floor leaders, or companion bills sponsored
16 23 by the house majority leader and the senate majority
16 24 leader may be drafted and introduced at any time
16 25 permissible under Joint Rule 20. House, concurrent,
16 26 and nullification resolutions may be introduced at any
16 27 time.
16 28 Rule 30
16 29 Introduction and Reading of Bills
16 30 All bills and resolutions to be introduced in



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17 1 the house shall be prepared in proper form and filed
17 2 with the chief clerk no later than 4:30 p.m. on the
17 3 legislative day preceding its introduction.

17 4 Every bill shall receive two readings but no bill
17 5 shall receive its first and last readings on the same
17 6 day.

17 7 A "reading of a bill" as required by these rules
17 8 shall consist of a reading of the title and enacting
17 9 clause.

17 10 Rule 31

17 11 First Reading, Commitment, and Amendment

17 12 1. A bill is introduced into the house by an
17 13 initial or "first reading of the bill".

17 14 2. When the house is in session the first reading
17 15 shall consist of a "reading" as provided in Rule 30.

17 16 3. Upon a first reading of the bill, the speaker
17 17 shall state that it is ready for commitment or
17 18 amendment; and the speaker shall commit it to the
17 19 standing or select committee, or to a committee of the
17 20 whole house. If to a committee of the whole house, the
17 21 house shall determine on what day.

17 22 4. On a nonlegislative day the speaker may cause a
17 23 statement, which shall consist of the title, enacting
17 24 clause, bill number and committee to which the bill
17 25 is referred, to be published in the house journal.
17 26 This publication shall constitute a first reading and
17 27 commitment and shall contain the notation "read and
17 28 committed under Rule 31".

17 29 5. All amendments offered to bills and resolutions
17 30 shall be accompanied by such copies as the chief clerk



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House Study Bill 2 continued

18 1 shall direct.
18 2 6. Such amendments shall give the number of
18 3 the bill sought to amend and the chief clerk shall
18 4 designate each such amendment thus: Amendment to
18 5 House File _____, or Senate File _____, by
18 6 _____.
18 7 7. A bill reported out by committee shall go to the
18 8 speaker who shall direct that the bill be placed on the
18 9 regular calendar unless it covers subject matter more
18 10 properly within the jurisdiction of some other standing
18 11 committee, in which case the speaker shall refer the
18 12 bill to the proper standing committee. In order to
18 13 expedite important business and set a definite time for
18 14 the bill's consideration, the speaker may direct the
18 15 bill to be placed on the special order calendar.
18 16 8. No amendment to the rules of the house, to
18 17 any resolution or bill, except technical amendments
18 18 and amendments to bills substituted for by senate
18 19 files containing substantially identical title,
18 20 language, subject matter, purpose and intrasectional
18 21 arrangement, shall be considered by the membership
18 22 of the house without a copy of the amendment having
18 23 been filed with the chief clerk by 4:00 p.m. or within
18 24 one-half hour of adjournment, whichever is later,
18 25 on the day preceding floor debate on the amendment.
18 26 If the house adjourns prior to 2:00 p.m. on Friday,
18 27 the final deadline is two hours after adjournment.
18 28 However, committee amendments filed pursuant to the
18 29 submission of the committee report may be accepted
18 30 after this deadline. This provision shall not apply



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19 1 to any proposal debated on the floor of the house
19 2 after the ~~fourteenth~~ thirteenth week of the first
19 3 session and the twelfth week of the second session.
19 4 No amendment or amendment to an amendment to a bill,
19 5 rule of the house, or resolution shall be considered
19 6 by the membership of the house without a copy of the
19 7 amendment being on the desks of the entire membership
19 8 of the house prior to consideration. However, the
19 9 membership of the house may consider an amendment or an
19 10 amendment to an amendment to a bill, rule of the house,
19 11 or resolution without a copy of the amendment being
19 12 on the desks of the entire membership of the house
19 13 prior to consideration if a copy of the amendment is
19 14 made available to the entire membership of the house
19 15 electronically.

19 16 9. An amendment to an appropriations bill
19 17 introduced by the appropriations committee shall not
19 18 be considered by the membership of the house if the
19 19 amendment contains only public policy proposals that
19 20 are not directly related to an appropriation in the
19 21 bill.

19 22 Rule 32

19 23 Commitment of Appropriation and Revenue Bills

19 24 All bills to appropriate money shall be referred to
19 25 the appropriations committee, and all bills pertaining
19 26 to the levy, assessment, or collection of taxes or fees
19 27 shall be referred to the committee on ways and means.

19 28 Rule 33

19 29 Regular Calendar

19 30 Bills, nullification resolutions, and joint



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House Study Bill 2 continued

20 1 resolutions reported out for passage, amendment and
20 2 passage, or without recommendation by a committee,
20 3 or passed on file shall be arranged on a regular
20 4 calendar by the chief clerk each day and electronically
20 5 distributed to the members at the opening of each
20 6 legislative day. The regular calendar shall include
20 7 a list of bills, nullification resolutions, and joint
20 8 resolutions which have been special ordered, including
20 9 the date upon which debate is scheduled to begin
20 10 on each of them, which shall be no sooner than five
20 11 session days from the first date of publication on the
20 12 regular calendar.

20 13 Rule 34

20 14 Daily Debate Calendar

20 15 The majority floor leadership shall cause to
20 16 be prepared and distributed to the members at the
20 17 opening of each legislative day when floor action is
20 18 scheduled, a daily debate calendar consisting of bills,
20 19 nullification resolutions, and joint resolutions from
20 20 the regular calendar setting forth the number and
20 21 title of bills, nullification resolutions, and joint
20 22 resolutions for the next legislative day that floor
20 23 action is scheduled.

20 24 This rule does not apply to bills which have passed
20 25 both houses in different forms, reconsiderations, or
20 26 veto reconsiderations.

20 27 Rule 35

20 28 Substitution of Bills

20 29 A senate bill or resolution may be substituted
20 30 for an identical house bill or resolution which has



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21 1 been called up for debate. An amendment to a senate
21 2 bill or resolution which has been substituted for an
21 3 identical house bill or resolution is out of order if
21 4 an identical amendment to the house bill or resolution
21 5 was considered.

21 6 Rule 36

21 7 Consideration of Committee Amendments

21 8 After a bill has been referred and reported back,
21 9 it shall be considered on its first reading after the
21 10 amendments of the committee have been read.

21 11 Rule 37

21 12 Amendments to Special Order Bills

21 13 All amendments to bills which have been special
21 14 ordered shall be filed at least three session days
21 15 prior to the date set for debate. Amendments to an
21 16 amendment shall be filed at least two session days
21 17 prior to the date set for debate. However, corrective
21 18 amendments and amendments sponsored by either the
21 19 majority floor leader or the minority floor leader may
21 20 be filed at any time. Rule 31, subsection 8, shall not
21 21 apply to these amendments.

21 22 A corrective amendment is an amendment which does
21 23 not substantively change the amendment or the bill.

21 24 Rule 38

21 25 Germaneness

21 26 An amendment must be germane to the subject matter
21 27 of the bill it seeks to amend. An amendment to an
21 28 amendment must be germane to both the amendment and the
21 29 bill it seeks to amend. When a member questions the
21 30 germaneness of an amendment, the speaker may invite



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22 1 members, who shall include the majority and minority
22 2 leaders, to the speaker's station to discuss the
22 3 objection.
22 4 Rule 39
22 5 Consideration of Bills
22 6 Bills, including committee bills, joint resolutions,
22 7 and nullification resolutions, reported out for
22 8 passage, for amendment and passage, or without
22 9 recommendation by the committee, are first eligible to
22 10 be acted upon beginning the third legislative day they
22 11 appear on the regular calendar.
22 12 Committee reports shall be printed in the journal
22 13 immediately after they are filed with the chief clerk.
22 14 Reports recommending bills, joint resolutions, and
22 15 nullification resolutions for passage, for amendment
22 16 and passage, or without recommendation shall stand
22 17 approved unless written objections are filed during
22 18 the first legislative day following their printing in
22 19 the journal. If objections are filed, they shall be
22 20 disposed of as soon as possible.
22 21 Rule 40
22 22 Consideration of Bills Upon Last Reading
22 23 No amendment, unless by way of correcting an error
22 24 or omission, shall be received to any bill on its last
22 25 reading, and no debate shall be allowed on it.
22 26 Rule 41
22 27 Printing of Bills and Joint Resolutions
22 28 Bills and joint resolutions shall be printed in form
22 29 as provided by law and by rule. Each house may direct
22 30 the printing of an additional number of its own bills.



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23 1 Legalizing bills of a local or private nature shall
23 2 be printed in bill form and placed in the files of the
23 3 members, the same as other bills, in the order of their
23 4 introduction. The cost of printing shall be deposited
23 5 with the treasurer of state in advance at a rate to be
23 6 fixed, and the newspaper publication of the bill shall
23 7 be without cost to the state. No legalizing act may
23 8 be introduced until all provisions of law have been
23 9 complied with.

23 10 Rule 42

23 11 Certification and Engrossment of Bills

23 12 The chief clerk shall certify the passage of each
23 13 bill and note the date of its passage.

23 14 In engrossing a bill, the chief clerk shall
23 15 correct all obvious typographical, spelling, or other
23 16 clerical errors and change section subunit numbers
23 17 and letters and internal references as required to
23 18 conform the original bill to any amendments which have
23 19 been adopted. The chief clerk shall report all such
23 20 corrections or changes in the journal. The engrossed
23 21 bill shall be placed in the bill file with the original
23 22 bill and amendments.

23 23 Rule 43

23 24 Rereferral

23 25 A bill may be rereferred by the speaker or, upon
23 26 motion, by the house at any time before its passage and
23 27 after the report of its referral to committee.

23 28 Rule 44

23 29 Effect of Indefinite Postponement

23 30 When a question is indefinitely postponed, it shall



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24 1 not be acted upon again during that session.
24 2 Rule 45
24 3 Status of Bills Following First Regular Session
24 4 Except for those bills which have been adopted by
24 5 both houses in different forms, all bills which have
24 6 not been withdrawn, defeated or indefinitely postponed,
24 7 shall be rereferred to committee upon adjournment of
24 8 the first regular session. Within seven days after
24 9 the first committee meeting following convening of
24 10 the second regular session, the committee chair shall
24 11 submit the bill to the full committee for action or the
24 12 chair shall reassign the bill to a subcommittee.
24 13 DIVISION V == COMMITTEE PROCEDURES
24 14 Rule 46
24 15 Appointment of Committees
24 16 All committees shall be appointed by the speaker,
24 17 unless otherwise especially directed by the house.
24 18 Minority party members of a committee shall be
24 19 appointed by the speaker upon recommendation of the
24 20 minority leader.
24 21 Rule 47
24 22 Reserved
24 23 Rule 48
24 24 Study Bills
24 25 A study bill is any matter which a member of
24 26 the house wishes to have considered by a standing
24 27 committee, other than appropriations, without being
24 28 introduced in the house by a first reading. A
24 29 study bill shall be prepared in proper form by the
24 30 legislative services agency prior to submission.



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House Study Bill 2 continued

25 1 Upon taking possession of a study bill, the
25 2 committee chair shall notify the speaker and then
25 3 submit four copies of the bill to the legal counsel's
25 4 office for numbering.
25 5 A study bill shall bear the name of the member who
25 6 wishes to have the bill considered. A study bill
25 7 submitted by a state agency or board for consideration
25 8 shall bear the name of the state agency or board. A
25 9 committee chair may submit a study bill in the name of
25 10 that committee.
25 11 Final committee action on a study bill shall not be
25 12 taken until one day following the notation of the study
25 13 bill assignment in the house journal.
25 14 Rule 49
25 15 Committee Meetings
25 16 No committee, except a conference committee or the
25 17 administrative rules review committee, shall meet
25 18 while the house is in session without special leave.
25 19 Committees with overlapping memberships shall not meet
25 20 at the same time without special leave.
25 21 Rule 50
25 22 Smoking Prohibited
25 23 Smoking shall not be permitted in the house or in
25 24 any area of the capitol building.
25 25 Rule 50A
25 26 Nondegradable Polystyrene Cups
25 27 The use of nondegradable polystyrene cups shall not
25 28 be permitted on the floor of the house.
25 29 Rule 51
25 30 Assignments to Subcommittee



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26 1 The chair of the committee shall report to the house
26 2 the bill number of each bill assigned to subcommittee
26 3 and the names of the subcommittee members. The report
26 4 shall be printed in the journal.
26 5 All bills, prior to consideration by the committee,
26 6 shall be referred by the chair to a subcommittee,
26 7 unless acted upon by a committee of the whole.
26 8 The chair may assign bills to subcommittees without
26 9 a meeting of the committee, but the membership of the
26 10 subcommittee so appointed shall be reported at the next
26 11 meeting of the committee.
26 12 Rule 52
26 13 Open Meetings
26 14 Standing committee meetings shall be open, and
26 15 voting by secret ballot is prohibited. The committee
26 16 on administration and rules may close its meetings to
26 17 evaluate the professional competency of an individual
26 18 whose appointment, hiring, performance, or discharge is
26 19 being considered when necessary to prevent needless and
26 20 irreparable injury to that individual's reputation on
26 21 the request of the affected individual.
26 22 Rule 53
26 23 Quorum and Vote Requirements
26 24 The committee roll shall be taken at the convening
26 25 of each meeting to determine the presence of a quorum.
26 26 A majority of the committee membership shall constitute
26 27 a quorum.
26 28 An affirmative vote of a majority of the committee
26 29 membership is required to report a bill out of
26 30 committee or to suspend a committee rule.



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27 1 A motion to reconsider may be made only by a
27 2 committee member who voted on the prevailing side of
27 3 the question sought to be reconsidered. A motion to
27 4 reconsider may only be made prior to the adjournment of
27 5 the committee meeting at which the bill was reported
27 6 out.

27 7 If a member, who is in the committee room when a
27 8 question to report a bill out of committee is put, has
27 9 not asked to be excused prior to commencing to take
27 10 the vote on the question, the member shall vote aye or
27 11 nay unless the committee has excused the member for
27 12 special reasons. However, a member may pass on the
27 13 first taking of the roll call on the question but shall
27 14 vote aye or nay when the member's name is called for a
27 15 second time.

27 16 Rule 54

27 17 Committee Attendance Record and Report of Committee
27 18 Form

27 19 1. A committee attendance record shall be filed
27 20 with the chief clerk no later than 10:00 a.m. or two
27 21 hours after the house convenes, whichever is later,
27 22 of the legislative day immediately following the day
27 23 of the committee meeting. The committee attendance
27 24 record is a public record and may be published in the
27 25 journal. The committee attendance record shall include
27 26 the following information:

- 27 27 a. The time the meeting convened.
- 27 28 b. The members present at the meeting.
- 27 29 c. The time the meeting adjourned.
- 27 30 d. A list of bills receiving final committee



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28 1 disposition.
28 2 2. A report of committee form shall be filed with
28 3 the chief clerk no later than 10:00 a.m. or two hours
28 4 after the house convenes, whichever is later, of the
28 5 legislative day immediately following the day of the
28 6 committee meeting for each study bill, numbered bill
28 7 or resolution receiving final committee disposition.
28 8 The report of committee form is a public record and
28 9 a report of committee action shall be printed in the
28 10 journal. The report of committee form shall include
28 11 the following information:
28 12 a. The committee action taken.
28 13 b. The committee amendment number, if any.
28 14 c. The roll call vote of the committee on final
28 15 disposition.
28 16 d. The minority recommendation, if any.
28 17 3. Upon final adjournment of the first session
28 18 and final adjournment of the second session of the
28 19 general assembly, the chair of each committee shall
28 20 have placed the committee's book of record containing
28 21 minutes, record roll calls on final disposition, record
28 22 roll call votes on any amendments considered, rules,
28 23 etc., with the chief clerk for access of any interested
28 24 person.
28 25 Rule 55
28 26 Minority Recommendation
28 27 The minority of the members of a committee may
28 28 present its recommendations on the final disposition
28 29 of a bill to the house by attaching its recommendation
28 30 to the committee report. The minority recommendation



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29 1 shall be noted in the journal along with the committee
29 2 report.

29 3 Rule 56

29 4 Committee Amendment

29 5 Whenever a committee amendment is proposed which
29 6 would amend another committee amendment, the amendment
29 7 shall be drafted in the form of a substitute amendment
29 8 and shall be considered as such.

29 9 Rule 57

29 10 Committee Notice and Agenda

29 11 Each committee shall prepare and publish a notice
29 12 and agenda of each committee meeting at least one
29 13 legislative day prior to the meeting. The notice and
29 14 agenda may be placed on the desks of or transmitted
29 15 electronically to committee members.

29 16 The notice shall contain the committee name, the
29 17 date, time, and location of the meeting.

29 18 The agenda shall contain the matters to be
29 19 discussed, including a list of bills, joint
29 20 resolutions, nullification resolutions, and study
29 21 bills by number. The agenda should contain the names
29 22 of individuals who are scheduled to appear before the
29 23 committee and the organization which they represent.

29 24 A bill, joint resolution, nullification resolution,
29 25 or study bill shall not be reported out of committee if
29 26 the bill was not included in the published notice and
29 27 agenda unless this rule is suspended by a majority of
29 28 the total membership of the committee.

29 29 A committee chair may call a meeting without
29 30 providing the required notice and agenda upon leave



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30 1 of the house if a notice is either electronically
30 2 transmitted to committee members or placed on the desks
30 3 of committee members.
30 4 Rule 58
30 5 Clearing of Committee Room
30 6 The chair of a committee may clear the committee
30 7 room in case of any disturbance or disorderly conduct.
30 8 Rule 58A
30 9 Use of Telephonic or Electronic Devices in Committee
30 10 Rooms Restricted
30 11 1. In any committee room while a standing committee
30 12 is in session:
30 13 a. A person shall mute any cell phone, computer, or
30 14 other electronic device under the person's control.
30 15 b. A person shall not use a cell phone or other
30 16 electronic device to audibly transmit or receive
30 17 communications.
30 18 2. The chair or acting chair of a standing
30 19 committee may clear the committee room of any person
30 20 acting in violation of this rule.
30 21 Rule 59
30 22 Committee Amendments
30 23 All amendments to a bill or resolution adopted in
30 24 committee shall be incorporated in a single committee
30 25 amendment or incorporated in a new committee bill.
30 26 Rule 60
30 27 Withdrawal of Bills, Joint Resolutions, or
30 28 Nullification Resolutions From Committee
30 29 A bill, joint resolution, or nullification
30 30 resolution which has been in committee for eighteen



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31 1 legislative days following notation of such referral
31 2 in the journal may be withdrawn from the committee and
31 3 placed on the calendar by an affirmative vote of not
31 4 less than fifty-one members of the house.

31 5 Rule 61

31 6 Committee Public Hearings

31 7 The chair of a committee may call a public hearing
31 8 for the purpose of receiving public comment on any
31 9 matter within the purview of the committee.

31 10 The chair shall call a public hearing upon the
31 11 written request of committee members according to
31 12 committee rules, but no more than one-third of the
31 13 committee members shall be required.

31 14 A public hearing shall not be called or requested
31 15 after final action on the bill, joint resolution,
31 16 or nullification resolution has been taken by the
31 17 committee. However, a public hearing called or
31 18 requested before final action has been taken by the
31 19 committee may be held after final action on the bill,
31 20 joint resolution, or nullification resolution has been
31 21 taken by the committee.

31 22 The chair shall designate a time and place for a
31 23 public hearing and provide public notice at least five
31 24 days prior to a public hearing.

31 25 A bill, joint resolution, or nullification
31 26 resolution for which a public hearing has been called
31 27 can be voted to the calendar but cannot be debated
31 28 until after the public hearing has been held.

31 29 However, public hearings which have been requested
31 30 during or after the 9th week of the first session and



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32 1 during or after the 7th week of the second session must
32 2 be held within four legislative days of the date of the
32 3 request.

32 4 Rule 62

32 5 Limitation on Filing of Claims

32 6 All claims shall be referred to the appropriations

32 7 committee. A claim referred to the appropriations

32 8 committee in a prior session of the general assembly

32 9 shall not be considered by the appropriations

32 10 committee or by the house unless it has been

32 11 specifically referred to this session by a vote of the

32 12 appropriations committee. The appropriations committee

32 13 is authorized to set a definite date each session after

32 14 which it will not receive claims or claim bills for

32 15 consideration.

32 16 DIVISION VI == COMMITTEE OF THE WHOLE

32 17 Rule 63

32 18 Organization of Committee of the Whole

32 19 In forming the committee of the whole house, the

32 20 speaker shall appoint a member to preside in committee

32 21 and then leave the chair.

32 22 Rule 64

32 23 Rules in Committee of the Whole

32 24 The rules of the house shall be observed in

32 25 committee of the whole house, so far as they are

32 26 applicable.

32 27 Rule 65

32 28 Bills in Committee of the Whole

32 29 Bills committed to the committee of the whole house

32 30 shall first be debated by section. After the report



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33 1 of the committee of the whole, the bill shall again be
33 2 subject to debate and amendment before a vote is had on
33 3 its last reading and passage.
33 4 Rule 66
33 5 Amendments by Committee of the Whole
33 6 All amendments made to a report committed to a
33 7 committee of the whole house shall be noted and
33 8 reported as in the case of bills.
33 9 DIVISION VII == MOTIONS
33 10 Rule 67
33 11 Order and Precedence of Motions
33 12 The following order of motions, listed in order
33 13 of precedence, shall govern when a question is under
33 14 debate:
33 15 1. Adjourn.
33 16 2. Recess.
33 17 3. Questions of privilege.
33 18 4. Lay on the table.
33 19 5. Previous question.
33 20 6. Limit debate.
33 21 7. Postpone definitely or to a certain time.
33 22 8. Refer or rerefer.
33 23 9. Defer.
33 24 10. Amend an amendment.
33 25 11. Amend.
33 26 12. Postpone indefinitely.
33 27 A motion to postpone definitely or to a certain
33 28 time, to refer or commit, or to postpone indefinitely a
33 29 particular question shall not be considered more than
33 30 once on the same day.



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34 1 Adoption of a motion to strike the enacting words is
34 2 equivalent to rejection of the question.
34 3 Rule 68
34 4 Order of Consideration of Amendments
34 5 Amendments shall be considered by earliest position
34 6 in the bill. Amendments to the same place in the bill
34 7 shall be considered by the lowest amendment number. An
34 8 amendment which inserts language after a line and an
34 9 amendment which inserts language before the succeeding
34 10 line shall be considered amendments to the same place
34 11 in the bill.
34 12 However, an amendment to strike the enacting clause
34 13 shall always be considered first. An amendment filed
34 14 by a committee shall have the next highest order of
34 15 priority, followed by an amendment to strike everything
34 16 after the enacting clause and insert new language. An
34 17 amendment to strike language or to strike and insert
34 18 new language, except an amendment to strike everything
34 19 after the enacting clause and insert new language,
34 20 shall not be considered before amendments to perfect
34 21 all or part of the same portion of the bill.
34 22 Rule 69
34 23 Motions Not Debatable
34 24 The following motions are not debatable:
34 25 1. Adjourn.
34 26 2. Adjourn to a certain time.
34 27 3. Suspend house rules.
34 28 4. Previous question.
34 29 5. Close debate at a certain time.
34 30 6. Recess.



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- 35 1 7. Defer.
- 35 2 8. Refer or rerefer.
- 35 3 9. Lay on the table.
- 35 4 10. Take from the table.
- 35 5 11. Call of the house.
- 35 6 12. Withdraw a bill or resolution from committee.
- 35 7 13. Appeal a decision of the chair.
- 35 8 14. Immediately message a bill or resolution.
- 35 9 Rule 69A
- 35 10 Constitutional Majority
- 35 11 1. The following motions require a constitutional
- 35 12 majority for approval:
- 35 13 a. Final passage of a bill, joint resolution, or
- 35 14 nullification resolution.
- 35 15 b. Lay on the table.
- 35 16 c. Take from the table.
- 35 17 d. Suspend house rules.
- 35 18 e. Previous question.
- 35 19 f. Withdraw a bill or resolution from committee.
- 35 20 g. Reconsider a bill, joint resolution, or
- 35 21 nullification resolution.
- 35 22 h. Immediately message a bill or resolution.
- 35 23 2. A division must be taken on any motion which
- 35 24 requires a constitutional majority.
- 35 25 Rule 70
- 35 26 Motion to Adjourn
- 35 27 A motion to adjourn shall always be in order, except
- 35 28 when a member is speaking or the house is voting.
- 35 29 Rule 71
- 35 30 Withdrawal of Motions



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36 1 After a motion is stated by the speaker or read by
36 2 the chief clerk, it shall be deemed to be in possession
36 3 of the house, but may be withdrawn by leave of the
36 4 house.

36 5 Rule 72

36 6 Unanimous Consent

36 7 Unanimous consent of the members may be asked for
36 8 suspension of any rule of the house. If there is no
36 9 objection to the request, the rule shall be considered
36 10 suspended.

36 11 Rule 73

36 12 Reconsideration

36 13 1. A motion to reconsider may be made only by a
36 14 member who voted on the prevailing side of the question
36 15 sought to be reconsidered.

36 16 2. A motion to reconsider may be made not later
36 17 than adjournment on the legislative day following
36 18 the legislative day of the action sought to be
36 19 reconsidered. Where the floor manager voted on
36 20 the prevailing side, the floor manager has the
36 21 prior right to make the motion, until adjournment
36 22 on the legislative day of the action sought to be
36 23 reconsidered. A motion to reconsider a nullification
36 24 resolution shall be acted upon not later than
36 25 adjournment on the legislative day following
36 26 the legislative day of the action sought to be
36 27 reconsidered.

36 28 3. A motion to reconsider made beginning the
36 29 fifteenth week of the first regular session, or the
36 30 thirteenth week of the second regular session, may be



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House Study Bill 2 continued

37 1 taken up when made. A motion made at any other time
37 2 may be taken up prior to the third legislative day
37 3 succeeding the legislative day of the action sought
37 4 to be reconsidered only if called up by the mover,
37 5 and after the second legislative day succeeding the
37 6 legislative day of the action sought to be reconsidered
37 7 if called up by any member.
37 8 4. The making of a motion to reconsider takes
37 9 precedence over all other questions.
37 10 5. When passage, adoption, or failure of any
37 11 bill, joint resolution, or nullification resolution
37 12 is reconsidered, questions on amendments may also be
37 13 reconsidered and shall be disposed of immediately.
37 14 6. In the event that a motion to reconsider
37 15 is pending at the end of the first session or any
37 16 extraordinary session of any general assembly, or the
37 17 general assembly adjourns sine die, and the motion to
37 18 reconsider has not been voted upon by the house, the
37 19 motion shall be determined to have failed.
37 20 DIVISION VIII == VOTING
37 21 Rule 74
37 22 Manner of Voting
37 23 Members present may cast their votes, either
37 24 by operating the voting mechanism located at their
37 25 assigned desk or by signaling the speaker from the
37 26 floor of the house or from the south visitors' gallery
37 27 if they are unable to vote at their assigned desk.
37 28 Only a member may operate the voting mechanism at that
37 29 member's assigned desk. The speaker shall announce the
37 30 votes of members signaling their votes. Upon direction



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38 1 of the speaker only those members at their desks and
38 2 voting shall be counted. Members who are not present
38 3 shall not cast their votes except:
38 4 1. Members who have not voted may record their
38 5 votes on any record roll call vote except quorum
38 6 calls within ten minutes after the outcome of the
38 7 vote has been announced. Members shall initial their
38 8 recorded votes on a copy of the record roll call at the
38 9 speaker's station. However, if the aggregate of votes
38 10 cast under this rule would change the outcome of the
38 11 vote on a question, then none of the votes cast on the
38 12 question under this rule shall be recorded. A member
38 13 may request announcement of the names of members so
38 14 recorded after the ten-minute period.
38 15 2. Members meeting in a conference committee
38 16 or in administrative rules review committee at the
38 17 time a vote is taken on a question may have their
38 18 vote recorded within thirty minutes or adjournment,
38 19 whichever is first, of that same legislative day,
38 20 provided the aggregate of votes cast does not change
38 21 the outcome of the vote on a question.
38 22 Rule 75
38 23 Voting in the House and Duty of Voting
38 24 Voting on a question put to the house shall not
38 25 occur between midnight and 8 a.m. on any legislative
38 26 day except for voting on a motion to adjourn. Except
38 27 as limited in Rule 76, every member who is in the house
38 28 when a question is put shall vote unless the house has
38 29 excused that member from voting for special reasons;
38 30 however, such member must have asked to be excused from



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39 1 voting prior to the time the speaker puts the question.
39 2 Rule 76
39 3 Limitation on Right to Vote
39 4 No member shall vote on any question in which
39 5 the member or the member's immediate family member,
39 6 as defined in chapter 68B of the Code, has a direct
39 7 financial interest different from other similarly
39 8 situated persons or classes of persons of the general
39 9 public.
39 10 Rule 77
39 11 Call of the House
39 12 Upon written request of five members, the presiding
39 13 officer shall compel attendance of absent and unexcused
39 14 members for the consideration of specified bills,
39 15 resolutions, or amendments.
39 16 A call of the house shall specify the propositions
39 17 to which it is to apply and must be put into effect
39 18 before roll call is taken on the proposition. The
39 19 request may be filed with the chief clerk at any time
39 20 before final action upon the propositions, who shall
39 21 notify the house immediately.
39 22 Rule 78
39 23 Method of Calling the House
39 24 Upon a call of the house, the names of the members
39 25 shall be called by the chief clerk and the absentees
39 26 noted, after which the names of the absentees shall
39 27 again be called. The sergeant-at-arms shall be
39 28 directed by the speaker to compel the attendance of
39 29 absent members, unless they are previously excused.
39 30 Any member occupying the member's seat during a call



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40 1 of the house shall be counted by the speaker and that
40 2 person's name entered in the journal as being present
40 3 for the purpose of making a quorum.

40 4 Rule 79

40 5 Method of Calling the Roll

40 6 The electrical voting machine shall be used for a
40 7 call of the house, a quorum call or a roll call vote
40 8 on any question. If the electrical voting machine is
40 9 not in operating order when it is necessary to take
40 10 a record roll call vote, the presiding officer shall
40 11 order the vote to be taken by calling the roll in
40 12 alphabetical order, except the name of the presiding
40 13 officer shall be called last.

40 14 During the casting of the vote with the voting
40 15 machine, the individual votes and the vote totals shall
40 16 be shown on the display boards. Before the voting
40 17 machine is closed, the presiding officer shall inquire
40 18 of the house, "Have you all voted?"

40 19 Rule 80

40 20 Quorum and Record Roll Call Votes

40 21 A majority of the members shall constitute a quorum.

40 22 A record roll call vote shall be ordered upon
40 23 request of any two members. The names of the members
40 24 requesting the record roll call shall be entered in the
40 25 journal.

40 26 Rule 81

40 27 Previous Question

40 28 When a member moves for the previous question, the
40 29 member shall state whether the motion will apply to the
40 30 main question, to all the amendments, or to particular



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House Study Bill 2 continued

41 1 amendments. The motion requires an affirmative vote of
41 2 at least a constitutional majority of the members. If
41 3 the motion for a previous question is not adopted, the
41 4 house shall proceed in the same manner as before the
41 5 motion was made.

41 6 If the motion is adopted, all debate must end and
41 7 the house will vote upon the question except:

41 8 1. If the motion applies to the main question, the
41 9 member in charge of the measure will have ten minutes
41 10 to speak for the purpose of closing discussion before
41 11 the vote on the measure is taken.

41 12 2. If the motion applies to an amendment, the
41 13 member proposing the amendment will have five minutes
41 14 to speak for the purpose of closing discussion before
41 15 the vote on the amendment is taken.

41 16 3. If a member has filed a written request with
41 17 the chief clerk of the house indicating the member's
41 18 desire to speak on a particular question. The request
41 19 must be filed before the motion is made by the movant.
41 20 The request allows a member to speak on a particular
41 21 question before the closing discussion by the member
41 22 who is in charge of the measure or who is proposing the
41 23 amendment.

41 24 Rule 82

41 25 Division of the Question

41 26 Any member may call for a division of the question,
41 27 which shall be divided if it comprehends questions so
41 28 distinct that one being taken away, the remainder may
41 29 stand separately for discussion by the house. Upon
41 30 request to divide an amendment, the chief clerk shall



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42 1 restate the division and note the divided amendment in
42 2 the house journal. An amendment to strike out being
42 3 lost shall not preclude an amendment to strike out and
42 4 insert. An amendment to strike out and insert shall be
42 5 deemed indivisible.

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House Study Bill 3

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY (PROPOSED COMMITTEE ON ADMINISTRATION AND RULES
RESOLUTION BY CHAIRPERSON SCHULTE)

1 1 A Concurrent Resolution relating to joint rules of
1 2 the Senate and House of Representatives for the
1 3 Eighty=fourth General Assembly.

1 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
1 5 SENATE CONCURRING, That the joint rules of the Senate
1 6 and House of Representatives for the ~~Eighty=third~~

~~1 7~~ Eighty=fourth General Assembly shall be:

1 8 JOINT RULES OF THE SENATE AND HOUSE

1 9 Rule 1

1 10 Suspension of Joint Rules

1 11 The joint rules of the general assembly may be
1 12 suspended by concurrent resolution, duly adopted by a
1 13 constitutional majority of the senate and the house.

1 14 Rule 2

1 15 Designation of Sessions

1 16 Each regular session of a general assembly shall be
1 17 designated by the year in which such regular session
1 18 commences.

1 19 Rule 3

1 20 Sessions of a General Assembly

1 21 The election of officers, organization, hiring and
1 22 compensation of employees, and standing committees in
1 23 each house of the general assembly and action taken
1 24 by each house shall carry over from the first to the
1 25 second regular session and to any extraordinary session
1 26 of the same general assembly. The status of each bill
1 27 and resolution shall be the same at the beginning



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2 1 of each second session as it was immediately before
2 2 adjournment of the previous regular or extraordinary
2 3 session; however the rules of either house may provide
2 4 for re=referral of some or all bills and resolutions
2 5 to standing committees upon adjournment of each
2 6 session or at the beginning of a subsequent regular or
2 7 extraordinary session, except those which have been
2 8 adopted by both houses in different forms.
2 9 Upon final adoption of a concurrent resolution at
2 10 any extraordinary session affecting that session, or at
2 11 a regular session affecting any extraordinary session
2 12 which may be held before the next regular session,
2 13 the creation of any calendar by either house shall be
2 14 suspended and the business of the session shall consist
2 15 solely of those bills or subject matters stated in the
2 16 resolution adopted. Bills named in the resolution, or
2 17 bills containing the subject matter provided for in the
2 18 resolution, may, at any time, be called up for debate
2 19 in either house by the majority leader of that house.
2 20 Rule 3A
2 21 International Relations Protocol
2 22 The senate and the house of representatives shall
2 23 comply with the international relations protocol policy
2 24 adopted by the international relations committee of the
2 25 legislative council.
2 26 Rule 4
2 27 Presentation of Messages
2 28 All messages between the two houses shall be sent by
2 29 the secretary of the senate or the chief clerk of the
2 30 house of representatives, and shall be communicated to



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House Study Bill 3 continued

3 1 the presiding officer.
3 2 Rule 5
3 3 Printing and Form of Bills and Other Documents
3 4 Bills and joint resolutions shall be introduced,
3 5 numbered, prepared, and printed as provided by
3 6 law, or in the absence of such law, in a manner
3 7 determined by the secretary of the senate and the
3 8 chief clerk of the house of representatives. Proposed
3 9 bills and resolutions which are not introduced but
3 10 are referred to committee shall be tracked in the
3 11 legislative computer system as are introduced bills
3 12 and resolutions. The referral of proposed bills
3 13 and resolutions to committee shall be entered in the
3 14 journal.
3 15 All bills and joint resolutions introduced shall be
3 16 in a form and number approved by the secretary of the
3 17 senate and chief clerk of the house.
3 18 The legal counsel's office of each house shall
3 19 approve all bills before introduction.
3 20 Rule 6
3 21 Companion Bills
3 22 Identical bills introduced in one or both houses
3 23 shall be called companion bills. Each house shall
3 24 designate the sponsor in the usual way followed in
3 25 parentheses by the sponsor of any companion bill or
3 26 bills in the other house. The house where a companion
3 27 bill is first introduced shall print the complete text.
3 28 Rule 7
3 29 Reprinting of Bills
3 30 Whenever any bill has been substantially amended by



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House Study Bill 3 continued

4 1 either house, the secretary of the senate or the chief
4 2 clerk of the house shall order the bill reprinted on
4 3 paper of a different color. All adopted amendments
4 4 shall be distinguishable.

4 5 The secretary of the senate or the chief clerk
4 6 of the house may order the printing of a reasonable
4 7 number of additional copies of any bill, resolution,
4 8 amendment, or journal.

4 9 Rule 8
4 10 Daily Clip Sheet

4 11 The secretary of the senate and the chief clerk of
4 12 the house shall prepare a daily clip sheet covering all
4 13 amendments filed.

4 14 Rule 9

4 15 Reintroduction of Bills and Other Measures

4 16 A bill or resolution which has passed one house and
4 17 is rejected in the other shall not be introduced again
4 18 during that general assembly.

4 19 Rule 10

4 20 Certification of Bills and Other Enrollments

4 21 When any bill or resolution which has passed one
4 22 house is rejected or adopted in the other, notice of
4 23 such action and the date thereof shall be given to the
4 24 house of origin in writing signed by the secretary of
4 25 the senate or the chief clerk of the house.

4 26 Rule 11

4 27 Code Editor's Correction Bills

4 28 A bill recommended by the Code editor which is
4 29 passed out of committee to the floor for debate by a
4 30 committee of the house or senate and which contains



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House Study Bill 3 continued

5 1 Code corrections of a nonsubstantive nature shall not
5 2 be amended on the floor of either house except pursuant
5 3 to corrective or nonsubstantive amendments filed by
5 4 the judiciary committee of the senate or the house.
5 5 Such committee amendments, whether filed at the time
5 6 of initial committee passage of the bill to the floor
5 7 for debate or after rereferral to the committee, shall
5 8 not be incorporated into the bill in the originating
5 9 house but shall be filed separately. Amendments filed
5 10 from the floor to strike sections of the bill or the
5 11 committee amendments shall be in order. Following
5 12 amendment and passage by the second house, only
5 13 amendments filed from the floor which strike sections
5 14 of the amendment of the second house shall be in order.
5 15 A bill recommended by the Code editor which is
5 16 passed out of committee to the floor for debate by a
5 17 committee of the house or senate and which contains
5 18 Code corrections beyond those of a nonsubstantive
5 19 nature shall not be amended on the floor of either
5 20 house except pursuant to amendments filed by the
5 21 judiciary committee of the senate or the house. Such
5 22 committee amendments, whether filed at the time of
5 23 initial committee passage of the bill to the floor for
5 24 debate or after rereferral to the committee, shall
5 25 not be incorporated into the bill in the originating
5 26 house but shall be filed separately. Such a bill shall
5 27 be limited to corrections which: Adjust language to
5 28 reflect current practices, insert earlier omissions,
5 29 delete redundancies and inaccuracies, delete temporary
5 30 language, resolve inconsistencies and conflicts, update



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House Study Bill 3 continued

6 1 ongoing provisions, and remove ambiguities. Amendments
6 2 filed from the floor to strike sections of the bill or
6 3 the committee amendments shall be in order. Following
6 4 amendment and passage by the second house, only
6 5 amendments filed from the floor which strike sections
6 6 of the amendment of the second house shall be in order.
6 7 It is the intent of the house and the senate that
6 8 such bills be passed out of committee to the floor for
6 9 debate within the first four weeks of convening of a
6 10 legislative session.

6 11 Rule 12
6 12 Amendments by Other House

6 13 1. When a bill which originated in one house is
6 14 amended in the other house, the house originating
6 15 the bill may amend the amendment, concur in full in
6 16 the amendment, or refuse to concur in full in the
6 17 amendment. Precedence of motions shall be in that
6 18 order. The amendment of the other house shall not be
6 19 ruled out of order based on a question of germaneness.

6 20 a. If the house originating the bill concurs in the
6 21 amendment, the bill shall then be immediately placed
6 22 upon its final passage.

6 23 b. If the house originating the bill refuses to
6 24 concur in the amendment, the bill shall be returned to
6 25 the amending house which shall either:

6 26 (1) Recede, after which the bill shall be read for
6 27 the last time and immediately placed upon its final
6 28 passage; or

6 29 (2) Insist, which will send the bill to a
6 30 conference committee.



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House Study Bill 3 continued

7 1 c. If the house originating the bill amends the
7 2 amendment, that house shall concur in the amendment
7 3 as amended and the bill shall be immediately placed
7 4 on final passage, and shall be returned to the other
7 5 house. The other house cannot further amend the bill.
7 6 (1) If the amending house which gave second
7 7 consideration to the bill concurs in the amendment
7 8 to the amendment, the bill shall then be immediately
7 9 placed upon its final passage.
7 10 (2) If the amending house refuses to concur in the
7 11 amendment to the amendment, the bill shall be returned
7 12 to the house originating the bill which shall either:
7 13 (a) Recede, after which the bill shall be read for
7 14 the last time as amended and immediately placed upon
7 15 its final passage; or
7 16 (b) Insist, which will send the bill to a
7 17 conference committee.
7 18 2. A motion to recede has precedence over a motion
7 19 to insist. Failure to recede means to insist; and
7 20 failure to insist means to recede.
7 21 3. A motion to lay on the table or to indefinitely
7 22 postpone shall be out of order with respect to motions
7 23 to recede from or insist upon and to amendments to
7 24 bills which have passed both houses.
7 25 4. A motion to concur, refuse to concur, recede,
7 26 insist, or adopt a conference committee report is in
7 27 order even though the subject matter has previously
7 28 been acted upon.
7 29 Rule 13
7 30 Conference Committee



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House Study Bill 3 continued

8 1 1. Within one legislative day after either house
8 2 insists upon an amendment to a bill, the presiding
8 3 officer of the house, after consultation with the
8 4 majority leader, shall appoint three majority party
8 5 members and, after consultation with the minority
8 6 leader, shall appoint two minority party members
8 7 to a conference committee. The majority leader of
8 8 the senate, after consultation with the president,
8 9 shall appoint three majority party members and,
8 10 after consultation with and approval by the minority
8 11 leader, shall appoint two minority party members to a
8 12 conference committee. The papers shall remain with the
8 13 house that originated the bill.
8 14 2. The conference committee shall meet before
8 15 the end of the next legislative day after their
8 16 appointment, shall select a chair and shall discuss the
8 17 controversy.
8 18 3. The authority of the first conference committee
8 19 shall cover only issues related to provisions of the
8 20 bill and amendments to the bill which were adopted
8 21 by either the senate or the house of representatives
8 22 and on which the senate and house of representatives
8 23 differed. If a conference committee report is not
8 24 acted upon because such action would violate this
8 25 subsection of this rule, the inaction on the report
8 26 shall constitute refusal to adopt the conference
8 27 committee report and shall have the same effect as if
8 28 the conference committee had disagreed.
8 29 4. An agreement on recommendations must be approved
8 30 by a majority of the committee members from each house.



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House Study Bill 3 continued

9 1 The committee shall submit two originals of the report
9 2 signed by a majority of the committee members of each
9 3 house with one signed original and three copies to be
9 4 submitted to each house. The report shall first be
9 5 acted upon in the house originating the bill. Such
9 6 action, including all papers, shall be immediately
9 7 referred by the secretary of the senate or the chief
9 8 clerk of the house of representatives to the other
9 9 house.

9 10 5. The report of agreement is debatable, but
9 11 cannot be amended. If the report contains recommended
9 12 amendments to the bill, adoption of the report shall
9 13 automatically adopt all amendments contained therein.
9 14 After the report is adopted, there shall be no more
9 15 debate, and the bill shall immediately be placed upon
9 16 its final passage.

9 17 6. Refusal of either house to adopt the conference
9 18 committee report has the same effect as if the
9 19 committee had disagreed.

9 20 7. If the conference committee fails to reach
9 21 agreement, a report of such failure signed by a
9 22 majority of the committee members of each house shall
9 23 be given promptly to each house. The bill shall
9 24 be returned to the house that originated the bill,
9 25 the members of the committee shall be immediately
9 26 discharged, and a new conference committee appointed in
9 27 the same manner as the first conference committee.

9 28 8. The authority of a second or subsequent
9 29 conference committee shall cover free conference during
9 30 which the committee has authority to propose amendments



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House Study Bill 3 continued

10 1 to any portion of a bill provided the amendment is
10 2 within the subject matter content of the bill as passed
10 3 by the house of origin or as amended by the second
10 4 house.

10 5 Rule 14

10 6 Enrollment and Authentication of Bills

10 7 A bill or resolution which has passed both houses
10 8 shall be enrolled in the house of origin under the
10 9 direction of either the secretary of the senate or the
10 10 chief clerk of the house and its house of origin shall
10 11 be certified by the endorsement of the secretary of the
10 12 senate or the chief clerk of the house.

10 13 After enrollment, each bill shall be signed by the
10 14 president of the senate and by the speaker of the
10 15 house.

10 16 Rule 15

10 17 Concerning Other Enrollments

10 18 All resolutions and other matters which are to
10 19 be presented to the governor for approval shall be
10 20 enrolled, signed, and presented in the same manner as
10 21 bills.

10 22 All resolutions and other matters which are not to
10 23 be presented to the governor or the secretary of state
10 24 shall be enrolled, signed, and retained permanently
10 25 by the secretary of the senate or chief clerk of the
10 26 house.

10 27 Rule 16

10 28 Transmission of Bills to the Governor

10 29 After a bill has been signed in each house, it shall
10 30 be presented by the house of origin to the governor by



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House Study Bill 3 continued

11 1 either the secretary of the senate or the chief clerk
11 2 of the house. The secretary or the chief clerk shall
11 3 report the date of the presentation, which shall be
11 4 entered upon the journal of the house of origin.
11 5 Rule 17
11 6 Fiscal Notes
11 7 A fiscal note shall be attached to any bill or joint
11 8 resolution which reasonably could have an annual effect
11 9 of at least one hundred thousand dollars or a combined
11 10 total effect within five years after enactment of five
11 11 hundred thousand dollars or more on the aggregate
11 12 revenues, expenditures, or fiscal liability of the
11 13 state or its subdivisions. This rule does not apply
11 14 to appropriation and ways and means measures where the
11 15 total effect is stated in dollar amounts.
11 16 Each fiscal note shall state in dollars the
11 17 estimated effect of the bill on the revenues,
11 18 expenditures, and fiscal liability of the state or
11 19 its subdivisions during the first five years after
11 20 enactment. The information shall specifically note
11 21 the fiscal impact for the first two years following
11 22 enactment and the anticipated impact for the succeeding
11 23 three years. The fiscal note shall specify the source
11 24 of the information. Sources of funds for expenditures
11 25 under the bill shall be stated, including federal
11 26 funds. If an accurate estimate cannot be made, the
11 27 fiscal note shall state the best available estimate or
11 28 shall state that no dollar estimate can be made and
11 29 state concisely the reason.
11 30 The preliminary determination of whether the bill



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12 1 appears to require a fiscal note shall be made by
12 2 the legal services staff of the legislative services
12 3 agency. Unless the requestor specifies the request is
12 4 to be confidential, upon completion of the bill draft,
12 5 the legal services staff shall immediately send a copy
12 6 to the fiscal services director for review.

12 7 When a committee reports a bill to the floor, the
12 8 committee shall state in the report whether a fiscal
12 9 note is or is not required.

12 10 The fiscal services director or the director's
12 11 designee shall review all bills placed on the senate
12 12 or house calendars to determine whether the bills are
12 13 subject to this rule.

12 14 Additionally, a legislator may request the
12 15 preparation of a fiscal note by the fiscal services
12 16 staff for any bill or joint resolution introduced which
12 17 reasonably could be subject to this rule.

12 18 The fiscal services director or the director's
12 19 designee shall cause to be prepared and shall approve
12 20 a fiscal note within a reasonable time after receiving
12 21 a request or determining that a bill is subject to
12 22 this rule. All fiscal notes approved by the fiscal
12 23 services director shall be transmitted immediately to
12 24 the secretary of the senate or the chief clerk of the
12 25 house, after notifying the sponsor of the bill that a
12 26 fiscal note has been prepared, for publication in the
12 27 daily clip sheet. The secretary of the senate or chief
12 28 clerk of the house shall attach the fiscal note to the
12 29 bill as soon as it is available.

12 30 The fiscal services director may request the



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13 1 cooperation of any state department or agency in
13 2 preparing a fiscal note.

13 3 A revised fiscal note may be requested by a
13 4 legislator if the fiscal effect of the bill has been
13 5 changed by adoption of an amendment. However, a
13 6 request for a revised fiscal note shall not delay
13 7 action on a bill unless so ordered by the presiding
13 8 officer of the house in which the bill is under
13 9 consideration.

13 10 If a date for adjournment has been set, then a
13 11 constitutional majority of the house in which the
13 12 bill is under consideration may waive the fiscal note
13 13 requirement during the three days prior to the date set
13 14 for adjournment.

13 15 Rule 18

13 16 Legislative Interns

13 17 Legislators may arrange student internships during
13 18 the legislative session with Iowa college, university,
13 19 or law school students, for which the students may
13 20 receive college credit at the discretion of their
13 21 schools. Each legislator is allowed only one intern at
13 22 a time per legislative session, and all interns must
13 23 be registered with the offices of the secretary of the
13 24 senate and the chief clerk of the house.

13 25 The purpose of the legislative intern program shall
13 26 be: to provide useful staff services to legislators
13 27 not otherwise provided by the general assembly; to give
13 28 interested college, graduate, and law school students
13 29 practical experience in the legislative process as well
13 30 as providing a meaningful educational experience; and



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14 1 to enrich the curriculum of participating colleges and
14 2 universities.

14 3 The secretary of the senate and the chief clerk of
14 4 the house or their designees shall have the following
14 5 responsibilities as regards the legislative intern
14 6 program:

14 7 1. Identify a supervising faculty member at each
14 8 participating institution who shall be responsible
14 9 for authorizing students to participate in the intern
14 10 program.

14 11 2. Provide legislators with a list of participating
14 12 institutions and the names of supervising professors to
14 13 contact if interested in arranging for an intern.

14 14 3. Provide interns with name badges which will
14 15 allow them access to the floor of either house when
14 16 required to be present by the legislators for whom they
14 17 work.

14 18 4. Provide orientation materials to interns prior
14 19 to the convening of each session.

14 20 Rule 19

14 21 Administrative Rules Review Committee Bills and Rule
14 22 Referrals

14 23 A bill which relates to departmental rules and
14 24 which is approved by the administrative rules review
14 25 committee by a majority of the committee's members
14 26 of each house is eligible for introduction in either
14 27 house at any time and must be referred to a standing
14 28 committee, which must take action on the bill within
14 29 three weeks of referral, except bills referred to
14 30 appropriations and ways and means committees.



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15 1 If, on or after July 1, 1999, the administrative
15 2 rules review committee delays the effective date of a
15 3 rule until the adjournment of the next regular session
15 4 of the general assembly and the speaker of the house
15 5 or the president of the senate refers the rule to a
15 6 standing committee, the standing committee shall review
15 7 the rule within twenty-one days of the referral and
15 8 shall take formal committee action by sponsoring a
15 9 joint resolution to disapprove the rule, by proposing
15 10 legislation relating to the rule, or by refusing to
15 11 propose a joint resolution or legislation concerning
15 12 the rule. The standing committee shall inform the
15 13 administrative rules review committee of the committee
15 14 action taken concerning the rule.

15 15 Rule 20

15 16 Time of Committee Passage and Consideration of Bills

15 17 1. This rule does not apply to concurrent or
15 18 simple resolutions, joint resolutions nullifying
15 19 administrative rules, senate confirmations, bills
15 20 embodying redistricting plans prepared by the
15 21 legislative services agency pursuant to chapter
15 22 42, or bills passed by both houses in different
15 23 forms. Subsection 2 of this rule does not apply to
15 24 appropriations bills, ways and means bills, government
15 25 oversight bills, legalizing acts, administrative
15 26 rules review committee bills, bills sponsored by
15 27 standing committees in response to a referral from
15 28 the president of the senate or the speaker of the
15 29 house of representatives relating to an administrative
15 30 rule whose effective date has been delayed until the



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16 1 adjournment of the next regular session of the general
16 2 assembly by the administrative rules review committee,
16 3 bills cosponsored by majority and minority floor
16 4 leaders of one house, bills in conference committee,
16 5 and companion bills sponsored by the majority floor
16 6 leaders of both houses after consultation with the
16 7 respective minority floor leaders. For the purposes of
16 8 this rule, a joint resolution is considered as a bill.
16 9 To be considered an appropriations, ways and means,
16 10 or government oversight bill for the purposes of this
16 11 rule, the appropriations committee, the ways and means
16 12 committee, or the government oversight committee must
16 13 either be the sponsor of the bill or the committee of
16 14 first referral in the originating house.

16 15 2. To be placed on the calendar in the house of
16 16 origin, a bill must be first reported out of a standing
16 17 committee by Friday of the ~~9th~~ 8th week of the first
16 18 session and the 8th week of the second session. To be
16 19 placed on the calendar in the other house, a bill must
16 20 be first reported out of a standing committee by Friday
16 21 of the ~~13th~~ 12th week of the first session and the 11th
16 22 week of the second session.

16 23 3. During the ~~11th~~ 10th week of the first session
16 24 and the 9th week of the second session, each house
16 25 shall consider only bills originating in that house and
16 26 unfinished business. During the ~~14th~~ 13th week of the
16 27 first session and the 12th week of the second session,
16 28 each house shall consider only bills originating in the
16 29 other house and unfinished business. Beginning with
16 30 the ~~15th~~ 14th week of the first session and the 13th



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House Study Bill 3 continued

17 1 week of the second session, each house shall consider
17 2 only bills passed by both houses, bills exempt from
17 3 subsection 2, and unfinished business.

17 4 4. A motion to reconsider filed and not disposed
17 5 of on an action taken on a bill or resolution which is
17 6 subject to a deadline under this rule may be called up
17 7 at any time before or after the day of the deadline by
17 8 the person filing the motion or after the deadline by
17 9 the majority floor leader, notwithstanding any other
17 10 rule to the contrary.

17 11 Rule 21
17 12 Resolutions

17 13 1. A "concurrent resolution" is a resolution to
17 14 be adopted by both houses of the general assembly
17 15 which expresses the sentiment of the general assembly
17 16 or deals with temporary legislative matters. It may
17 17 authorize the expenditure, for any legislative purpose,
17 18 of funds appropriated to the general assembly. A
17 19 concurrent resolution is not limited to, but may
17 20 provide for a joint convention of the general assembly,
17 21 adjournment or recess of the general assembly, or
17 22 requests to a state agency or to the general assembly
17 23 or a committee. A concurrent resolution requires the
17 24 affirmative vote of a majority of the senators or
17 25 representatives present and voting unless otherwise
17 26 specified by statute. A concurrent resolution does
17 27 not require the governor's approval unless otherwise
17 28 specified by statute. A concurrent resolution shall
17 29 be filed with the secretary of the senate or the chief
17 30 clerk of the house. A concurrent resolution shall be



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House Study Bill 3 continued

18 1 printed in the bound journal after its adoption.
18 2 2. A "joint resolution" is a resolution which
18 3 requires for approval the affirmative vote of a
18 4 constitutional majority of each house of the general
18 5 assembly. A joint resolution which appropriates funds
18 6 or enacts temporary laws must contain the clause "Be It
18 7 Enacted by the General Assembly of the State of Iowa:",
18 8 is equivalent to a bill, and must be transmitted to
18 9 the governor for approval. A joint resolution which
18 10 proposes amendments to the Constitution of the State
18 11 of Iowa, ratifies amendments to the Constitution of
18 12 the United States, proposes a request to Congress or
18 13 an agency of the government of the United States of
18 14 America, proposes to Congress an amendment to the
18 15 Constitution of the United States of America, nullifies
18 16 an administrative rule, or creates a special commission
18 17 or committee must contain the clause "Be It Resolved by
18 18 the General Assembly of the State of Iowa:" and shall
18 19 not be transmitted to the governor. A joint resolution
18 20 shall not amend a statute in the Code of Iowa.
18 21 Rule 22
18 22 Nullification Resolutions
18 23 A "nullification resolution" is a joint resolution
18 24 which nullifies all of an administrative rule, or
18 25 a severable item of an administrative rule adopted
18 26 pursuant to chapter 17A of the Code. A nullification
18 27 resolution shall not amend an administrative rule by
18 28 adding language or by inserting new language in lieu
18 29 of existing language.
18 30 A nullification resolution is debatable, but cannot



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House Study Bill 3 continued

19 1 be amended on the floor of the house or senate. The
19 2 effective date of a nullification resolution shall
19 3 be stated in the resolution. Any motions filed to
19 4 reconsider adoption of a nullification resolution
19 5 must be disposed of within one legislative day of the
19 6 filing.

19 7 Rule 23

19 8 Consideration of Vetoes

19 9 1. The senate and house calendar shall include a
19 10 list known as the "Veto Calendar." The veto calendar
19 11 shall consist of:

19 12 a. Bills returned to that house by the governor
19 13 in accordance with Article III, section 16 of the
19 14 Constitution of the State of Iowa.

19 15 b. Appropriations items returned to that house by
19 16 the governor in accordance with Article III, section 16
19 17 of the Constitution of the State of Iowa.

19 18 c. Bills and appropriations items received from the
19 19 other house after that house has voted to override a
19 20 veto of them by the governor.

19 21 2. Vetoed bills and appropriations items shall
19 22 automatically be placed on the veto calendar upon
19 23 receipt. Vetoed bills and appropriations items shall
19 24 not be referred to committee.

19 25 3. Upon first publication in the veto calendar, the
19 26 senate majority leader or the house majority leader may
19 27 call up a vetoed bill or appropriations item at any
19 28 time.

19 29 4. The affirmative vote of two-thirds of the
19 30 members of the body by record roll call is required on



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House Study Bill 3 continued

20 1 a motion to override an executive veto or item veto.
20 2 5. A motion to override an executive veto or item
20 3 veto is debatable. A vetoed bill or appropriation item
20 4 cannot be amended in this case.
20 5 6. The vote by which a motion to override an
20 6 executive veto or item veto passes or fails to pass
20 7 either house is not subject to reconsideration under
20 8 senate rule 24 or house rule 73.
20 9 7. The secretary of the senate or the chief clerk
20 10 of the house shall immediately notify the other house
20 11 of the adoption or rejection of a motion to override an
20 12 executive veto or item veto.
20 13 8. All bills and appropriations items on the veto
20 14 calendar shall be disposed of before adjournment sine
20 15 die, unless the house having a bill or appropriation
20 16 item before it declines to do so by unanimous consent.
20 17 9. Bills and appropriations items on the veto
20 18 calendar are exempt from deadlines imposed by joint
20 19 rule 20.
20 20 Rule 24
20 21 Special Rules Regarding Redistricting for 2010
20 22 1. If, pursuant to chapter 42, either the senate or
20 23 the house of representatives rejects a redistricting
20 24 plan submitted by the legislative services agency, the
20 25 house rejecting the plan shall convey the reasons for
20 26 the rejection of the plan to the legislative services
20 27 agency by resolution.
20 28 2. If, pursuant to chapter 42, the legislative
20 29 services agency submits a third redistricting plan
20 30 as provided by law, the senate and the house of



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21 1 representatives, when considering a bill embodying the
21 2 third plan, shall be allowed to accept for filing as
21 3 amendments only such amendments which constitute the
21 4 total text of a congressional plan without striking
21 5 a legislative redistricting plan, the total text of
21 6 a legislative redistricting plan without striking a
21 7 congressional plan, or the combined total text of a
21 8 congressional plan and a legislative redistricting
21 9 plan, and nonsubstantive, technical corrections to the
21 10 text of any such bills or amendments.

LSB 1420YC (11) 84

rj/rj



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Senate File 25 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act relating to open records and public meetings and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1488XS (11) 84
rh/rj



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1 1 Section 1. Section 8A.341, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. If money is appropriated for this purpose, by November 1
1 4 of each year supply a report which contains the name, gender,
1 5 county, or city of residence when possible, official title,
1 6 salary received during the previous fiscal year, base salary as
1 7 computed on July 1 of the current fiscal year, and traveling
1 8 and subsistence expense of the personnel of each of the
1 9 departments, boards, and commissions of the state government
1 10 except personnel who receive an annual salary of less than one
1 11 thousand dollars. The number of the personnel and the total
1 12 amount received by them shall be shown for each department in
1 13 the report. All employees who have drawn salaries, fees, or
1 14 expense allowances from more than one department or subdivision
1 15 shall be listed separately under the proper departmental
1 16 heading. On the request of the director, the head of each
1 17 department, board, or commission shall furnish the data
1 18 covering that agency. The report shall be distributed upon
1 19 request without charge in an electronic medium to each caucus
1 20 of the general assembly, the legislative services agency, the
1 21 chief clerk of the house of representatives, and the secretary
1 22 of the senate. Copies of the report shall be made available to
1 23 other persons in an electronic medium upon payment of a fee,
1 24 which shall not exceed the cost of providing the copy of the
1 25 report. Sections 22.2 through ~~22.6~~ 22.5 apply to the report.
1 26 All funds from the sale of the report shall be deposited in the
1 27 printing revolving fund established in section 8A.345.
1 28 Sec. 2. Section 8E.202, subsection 1, unnumbered paragraph
1 29 1, Code 2011, is amended to read as follows:
1 30 The department and each agency shall provide for the widest
1 31 possible dissemination of information between agencies and the
1 32 public relating to the enterprise strategic plan and agency
1 33 strategic plans, including but not limited to internet access.
1 34 This section does not require the department or an agency to
1 35 release information which is classified as a confidential



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2 1 record under this Code, ~~including but not limited to section~~
~~2 2 22.7.~~
2 3 Sec. 3. Section 8E.202, subsection 3, Code 2011, is amended
2 4 to read as follows:
2 5 3. A record which is confidential under this Code, ~~including~~
~~2 6 but not limited to section 22.7,~~ shall not be released to the
2 7 public under this section.
2 8 Sec. 4. Section 21.2, subsection 1, Code 2011, is amended by
2 9 adding the following new paragraph:
2 10 NEW PARAGRAPH. k. An entity eligible to exercise tax=exempt
2 11 bonding authority under chapter 7C, including a nonprofit
2 12 tax=exempt bonding authority under chapter 7C designated by the
2 13 state to serve as a secondary market for student loans and a
2 14 nonprofit tax=exempt bonding authority under chapter 7C whose
2 15 board of directors is appointed by the governor.
2 16 Sec. 5. Section 21.4, subsections 1 and 3, Code 2011, are
2 17 amended to read as follows:
2 18 1. Except as provided in subsection 3, a governmental
2 19 body, ~~except township trustees,~~ shall give notice of the time,
2 20 date, and place of each meeting including a reconvened meeting
2 21 of the governmental body, and ~~its~~ the tentative agenda of the
2 22 meeting, in a manner reasonably calculated to apprise the
2 23 public of that information. Reasonable notice shall include
2 24 advising the news media who have filed a request for notice
2 25 with the governmental body and posting the notice on a bulletin
2 26 board or other prominent place which is easily accessible to
2 27 the public and clearly designated for that purpose at the
2 28 principal office of the body holding the meeting, or if no such
2 29 office exists, at the building in which the meeting is to be
2 30 held.
2 31 3. Subsection 1 does not apply to any of the following:
2 32 a. A meeting reconvened within four hours of the start of
2 33 its recess, where an announcement of the time, date, and place
2 34 of the reconvened meeting is made at the original meeting in
2 35 open session and recorded in the minutes of the meeting and



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3 1 there is no change in the agenda.

3 2 b. A meeting held by a formally constituted subunit of a
3 3 parent governmental body ~~may conduct a meeting without notice~~
~~3 4 as required by this section during a lawful meeting of the~~
3 5 parent governmental body, or during a recess in that meeting
3 6 of up to four hours, or a meeting of that subunit immediately
3 7 following ~~that~~ the meeting of the parent governmental body, if
3 8 the meeting of ~~the~~ that subunit is publicly announced in open
3 9 session at the parent meeting and the subject of the meeting
3 10 reasonably coincides with the subjects discussed or acted upon
3 11 by the parent governmental body.

3 12 Sec. 6. Section 21.5, subsection 1, paragraph j, Code 2011,
3 13 is amended to read as follows:

3 14 j. To discuss the purchase of particular real estate only
3 15 where premature disclosure could be reasonably expected to
3 16 increase the price the governmental body would have to pay for
3 17 that property. The minutes and the ~~tape~~ audio recording of
3 18 a session closed under this paragraph shall be available for
3 19 public examination when the transaction discussed is completed.

3 20 Sec. 7. Section 21.5, subsection 4, Code 2011, is amended
3 21 to read as follows:

3 22 4. A governmental body shall keep detailed minutes of all
3 23 discussion, persons present, and action occurring at a closed
3 24 session, and shall also ~~tape~~ audio record all of the closed
3 25 session. The detailed minutes and ~~tape~~ audio recording of a
3 26 closed session shall be sealed and shall not be public records
3 27 open to public inspection. However, upon order of the court
3 28 in an action to enforce this chapter, the detailed minutes
3 29 and ~~tape~~ audio recording shall be unsealed and examined by
3 30 the court in camera. The court shall then determine what
3 31 part, if any, of the minutes should be disclosed to the
3 32 party seeking enforcement of this chapter for use in that
3 33 enforcement proceeding. In determining whether any portion of
3 34 the minutes or recording shall be disclosed to such a party for
3 35 this purpose, the court shall weigh the prejudicial effects



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Senate File 25 - Introduced continued

4 1 to the public interest of the disclosure of any portion of
4 2 the minutes or recording in question, against its probative
4 3 value as evidence in an enforcement proceeding. After such a
4 4 determination, the court may permit inspection and use of all
4 5 or portions of the detailed minutes and ~~tape~~ audio recording by
4 6 the party seeking enforcement of this chapter. A governmental
4 7 body shall keep the detailed minutes and ~~tape~~ audio recording
4 8 of any closed session for a period of at least one year from the
4 9 date of that meeting, except as otherwise required by law.

4 10 Sec. 8. Section 21.6, subsection 3, paragraph a, Code 2011,
4 11 is amended to read as follows:

4 12 a. Shall assess each member of the governmental body who
4 13 participated in its violation damages in the amount of not more
4 14 than five hundred dollars ~~or~~ and not less than one hundred
4 15 dollars. However, if a member of a governmental body knowingly
4 16 participated in such a violation, damages shall be in the
4 17 amount of not more than two thousand five hundred dollars
4 18 and not less than one thousand dollars. These damages shall
4 19 be paid by the court imposing it to the state of Iowa, if
4 20 the body in question is a state governmental body, or to the
4 21 local government involved if the body in question is a local
4 22 governmental body. A member of a governmental body found to
4 23 have violated this chapter shall not be assessed such damages
4 24 if that member proves that the member did any of the following:

4 25 (1) Voted against the closed session.

4 26 (2) Had good reason to believe and in good faith believed
4 27 facts which, if true, would have indicated compliance with all
4 28 the requirements of this chapter.

4 29 (3) Reasonably relied upon a decision of a court, ~~or~~ a
4 30 formal opinion of the attorney general, or the attorney for
4 31 the governmental body, given in writing, or as memorialized in
4 32 the minutes of the meeting at which a formal oral opinion was
4 33 given, or an advisory opinion of the attorney general or the
4 34 attorney for the governmental body, given in writing.

4 35 Sec. 9. Section 22.1, subsection 1, Code 2011, is amended



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5 1 to read as follows:

5 2 1. The term "government body" means this state, or
5 3 any county, city, township, school corporation, political
5 4 subdivision, tax-supported district, nonprofit corporation
5 5 other than a fair conducting a fair event as provided in
5 6 chapter 174, whose facilities or indebtedness are supported
5 7 in whole or in part with property tax revenue and which is
5 8 licensed to conduct pari-mutuel wagering pursuant to chapter
5 9 99D; the governing body of a drainage or levee district as
5 10 provided in chapter 468, including a board as defined in
5 11 section 468.3, regardless of how the district is organized;
5 12 an entity eligible to exercise tax-exempt bonding authority
5 13 under chapter 7C, including a nonprofit tax-exempt bonding
5 14 authority under chapter 7C designated by the state to serve as
5 15 a secondary market for student loans and a nonprofit tax-exempt
5 16 bonding authority under chapter 7C whose board of directors is
5 17 appointed by the governor, or other entity of this state, or
5 18 any branch, department, board, bureau, commission, council,
5 19 committee, official, or officer of any of the foregoing or any
5 20 employee delegated the responsibility for implementing the
5 21 requirements of this chapter.

5 22 Sec. 10. Section 22.7, subsection 7, Code 2011, is amended
5 23 to read as follows:

5 24 7. Appraisals or appraisal information concerning the
5 25 purchase of real or personal property for public purposes,
5 26 ~~prior to public announcement of a project~~ the submission of the
5 27 appraisal to the property owner or other interest holders as
5 28 provided in section 6B.45.

5 29 Sec. 11. Section 22.7, subsection 10, Code 2011, is amended
5 30 by striking the subsection.

5 31 Sec. 12. Section 22.7, subsection 11, Code 2011, is amended
5 32 to read as follows:

5 33 11. a. Personal information in confidential personnel
5 34 records of public government bodies ~~including but not limited~~
5 35 ~~to cities, boards of supervisors and school districts~~ relating



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6 1 to identified or identifiable individuals who are officials,
6 2 officers, or employees of the government bodies. However, the
6 3 following information relating to such individuals contained in
6 4 personnel records shall be public records:

6 5 (1) The name and compensation of the individual including
6 6 any written agreement establishing compensation or any other
6 7 terms of employment excluding any information otherwise
6 8 excludable from public information pursuant to this section or
6 9 any other applicable provision of law. For purposes of this
6 10 paragraph, "compensation" means payment of, or agreement to pay,
6 11 any money, thing of value, or financial benefit conferred in
6 12 return for labor or services rendered by an officer, employee,
6 13 or other person plus the value of benefits including but not
6 14 limited to casualty, disability, life, or health insurance,
6 15 other health or wellness benefits, vacation, holiday, and sick
6 16 leave, severance payments, retirement benefits, and deferred
6 17 compensation.

6 18 (2) The date the individual was employed by the government
6 19 body.

6 20 (3) The positions the individual holds or has held with the
6 21 government body.

6 22 (4) The educational institutions attended by the
6 23 individual, including any diplomas and degrees earned, and
6 24 the names of the individual's previous employers, positions
6 25 previously held, and dates of previous employment.

6 26 (5) Any final disciplinary action taken against the
6 27 individual that resulted in the individual's discharge.

6 28 b. Personal information in confidential personnel records of
6 29 government bodies relating to student employees shall only be
6 30 released pursuant to 20 U.S.C. { 1232g.

6 31 Sec. 13. Section 22.10, subsection 3, paragraph b, Code
6 32 2011, is amended to read as follows:

6 33 b. Shall assess the persons who participated in its
6 34 violation damages in the amount of not more than five hundred
6 35 dollars ~~not~~ and not less than one hundred dollars. However, if



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7 1 a person knowingly participated in such a violation, damages
7 2 shall be in the amount of not more than two thousand five
7 3 hundred dollars and not less than one thousand dollars. These
7 4 damages shall be paid by the court imposing them to the state
7 5 of Iowa if the body in question is a state government body,
7 6 or to the local government involved if the body in question
7 7 is a local government body. A person found to have violated
7 8 this chapter shall not be assessed such damages if that person
7 9 proves that the person ~~either voted~~ did any of the following:
7 10 (1) Voted against the action violating this chapter,
7 11 refused to participate in the action violating this chapter, or
7 12 engaged in reasonable efforts under the circumstances to resist
7 13 or prevent the action in violation of this chapter; ~~had.~~
7 14 (2) Had good reason to believe and in good faith believed
7 15 facts which, if true, would have indicated compliance with the
7 16 requirements of this chapter; ~~or reasonably.~~
7 17 (3) Reasonably relied upon a decision of a court ~~or an, a~~
7 18 formal opinion of the attorney general, or the attorney for
7 19 the government body, given in writing, or as memorialized in
7 20 the minutes of the meeting at which a formal oral opinion was
7 21 given, or an advisory opinion of the attorney general or the
7 22 attorney for the government body, given in writing.
7 23 Sec. 14. Section 22.10, subsection 5, Code 2011, is amended
7 24 by striking the subsection.
7 25 Sec. 15. Section 22.13, Code 2011, is amended to read as
7 26 follows:
7 27 22.13 Settlements == ~~governmental~~ government bodies.
7 28 1. A written summary of the terms of settlement, including
7 29 amounts of payments made to or through a claimant, or
7 30 other disposition of any claim for damages made against a
7 31 ~~governmental~~ government body or against an employee, officer,
7 32 or agent of a ~~governmental~~ government body, by an insurer
7 33 pursuant to a contract of liability insurance issued to
7 34 the ~~governmental~~ government body, shall be filed with the
7 35 ~~governmental~~ government body and shall be a public record.



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8 1 2. A final binding settlement agreement between any
8 2 government body of this state or unit or official of such a
8 3 government body that resolves a legal dispute between such a
8 4 government body and another person or entity shall be filed
8 5 with the government body. For each such settlement agreement,
8 6 the government body shall prepare and file, together with
8 7 the settlement agreement, a brief summary indicating the
8 8 identity of the parties involved, the nature of the dispute,
8 9 any underlying relevant facts, and the terms of the settlement.
8 10 The settlement agreement and summary shall be available for
8 11 public inspection.

8 12 Sec. 16. Section 22.14, subsection 3, Code 2011, is amended
8 13 to read as follows:

8 14 3. If a fiduciary or other third party with custody of
8 15 public investment transactions records fails to produce public
8 16 records within a reasonable period of time as requested by the
8 17 public body, the public body shall make no new investments
8 18 with or through the fiduciary or other third party and shall
8 19 not renew existing investments upon their maturity with or
8 20 through the fiduciary or other third party. The fiduciary or
8 21 other third party shall be liable for the penalties imposed
8 22 under ~~section 22.6~~ statute, common law, or contract due to the
8 23 acts or omissions of the fiduciary or other third party ~~and~~
~~8 24 any other remedies available under statute, common law, or~~
~~8 25 contract.~~

8 26 Sec. 17. Section 455K.4, subsection 4, Code 2011, is amended
8 27 to read as follows:

8 28 4. Information that is disclosed under subsection 2,
8 29 paragraph "b", is confidential and is not subject to disclosure
8 30 under chapter 22. ~~A governmental entity, governmental~~
~~8 31 employee, or governmental official who discloses information in~~
~~8 32 violation of this subsection is subject to the penalty provided~~
~~8 33 in section 22.6.~~

8 34 Sec. 18. REPEAL. Section 22.6, Code 2011, is repealed.

8 35 Sec. 19. EFFECTIVE UPON ENACTMENT. This Act, being deemed



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9 1 of immediate importance, takes effect upon enactment.

9 2 EXPLANATION

9 3 This bill relates to Iowa's Open Meetings Law (Code chapter
9 4 21) and Iowa's Open Records Law (Code chapter 22).

9 5 MEETINGS. The bill provides that except as otherwise
9 6 provided, a reconvened meeting of a governmental body is also
9 7 subject to the meeting notice requirements pursuant to Code
9 8 section 21.4. This requirement does not apply to a meeting of
9 9 a governmental body that is reconvened within four hours of the
9 10 start of its recess, where an announcement of the time, date,
9 11 and place of the reconvened meeting is made at the original
9 12 meeting in open session and recorded in the minutes of the
9 13 meeting and there is no change in the agenda. The notice
9 14 requirement also does not apply to a meeting held by a formally
9 15 constituted subunit of a parent governmental body during a
9 16 lawful meeting of the parent governmental body or during a
9 17 recess in that meeting of up to four hours, or a meeting of
9 18 that subunit immediately following the meeting of the parent
9 19 governmental body, if the meeting of the subunit is publicly
9 20 announced in open session at the parent meeting and the subject
9 21 of the meeting reasonably coincides with the subjects discussed
9 22 or acted upon by the parent governmental body. The bill also
9 23 changes all references relating to "tape" recordings of closed
9 24 meetings to "audio" recordings.

9 25 CIVIL AND CRIMINAL PENALTY PROVISIONS. The bill increases
9 26 the civil penalty damage amounts for violations of the open
9 27 meetings and public records laws for each member of the
9 28 governmental body or each person who knowingly participated in
9 29 the violation from not less than \$100 and not more than \$500 to
9 30 not less than \$1,000 and not more than \$2,500 subject to the
9 31 existing defenses contained in Code sections 21.6 and 22.10.
9 32 The bill retains the current civil penalty damage amounts for
9 33 such violations for each member of the governmental body or
9 34 each person who participated in the violation (\$100 to \$500).

9 35 The bill repeals the criminal penalty provision for knowing



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10 1 violations or attempts to violate any provisions of the public
10 2 records law.

10 3 APPRAISAL INFORMATION. Current law provides that appraisal
10 4 or appraisal information concerning the purchase of real
10 5 or personal property for public purposes, prior to public
10 6 announcement of a project, shall be confidential. The bill
10 7 amends this law to provide that such information shall remain
10 8 confidential prior to the submission of the appraisal to the
10 9 property owner or other interest holders as provided in Code
10 10 section 6B.45.

10 11 PERSONAL INFORMATION IN CONFIDENTIAL PERSONNEL RECORDS.
10 12 Current law provides that personal information in confidential
10 13 personnel records of government bodies shall be confidential,
10 14 unless otherwise ordered by a court, by the lawful custodian,
10 15 or by another duly authorized person to release such
10 16 information. The bill specifies that the name and compensation
10 17 of the individual, the date the individual was employed by the
10 18 government body, the positions the individual holds or has held
10 19 with the government body, the individual's qualifications for
10 20 the position that the individual holds or has held including
10 21 but not limited to educational background and work experience,
10 22 and any final disciplinary action taken against the individual
10 23 that resulted in the individual's discharge shall be public
10 24 records.

10 25 SETTLEMENT AGREEMENTS. Code chapter 22 currently provides
10 26 that a written summary of the terms of settlement or other
10 27 disposition of any claim for damages made against any
10 28 government body or against an employee, officer, or agent of
10 29 a government body, by an insurer pursuant to a contract of
10 30 liability insurance issued to the government body, shall be
10 31 filed with the government body and shall be a public record.
10 32 The bill provides that all final binding settlement agreements
10 33 between any government body of this state or other unit or
10 34 official of such a government body that resolves a legal
10 35 dispute between such a government body and another person or



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11 1 entity shall be filed with the government body together with a
11 2 brief summary indicating the identity of the parties involved,
11 3 the nature of the dispute, any underlying relevant facts, and
11 4 the terms of the settlement. The settlement agreement and
11 5 summary shall be available for public inspection.

11 6 TAX=EXEMPT BONDING AUTHORITY == 7C == MEETINGS AND
11 7 RECORDS. The bill provides that an entity eligible to exercise
11 8 tax=exempt bonding authority under Code chapter 7C designated
11 9 by the state to serve as a secondary market for student loans
11 10 and a nonprofit tax=exempt bonding authority under chapter
11 11 7C whose board of directors is appointed by the governor is
11 12 subject to the provisions of the open meetings and open records
11 13 laws.

11 14 EFFECTIVE DATE. The bill takes effect upon enactment.

LSB 1488XS (11) 84

rh/rj



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SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act establishing a home inspector licensing program,
2 establishing a home inspector examining board, providing
3 civil and criminal penalties, and including effective date
4 and applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1489XS (1) 84
md/sc



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1 1 Section 1. NEW SECTION. 104.1 Title.
1 2 This chapter may be known and cited as the "Iowa Home
1 3 Inspector Licensing Act".
1 4 Sec. 2. NEW SECTION. 104.2 Definitions.
1 5 As used in this chapter, unless the context otherwise
1 6 requires:
1 7 1. "Applicant" means a person who applies to the board for
1 8 a license under this chapter.
1 9 2. "Board" means the home inspector examining board as
1 10 established pursuant to section 104.3.
1 11 3. "Department" means the Iowa department of public safety.
1 12 4. "Governmental subdivision" means any city, county, or
1 13 combination thereof.
1 14 5. "Home inspection" means the examination and evaluation
1 15 of the exterior and interior components of residential real
1 16 property, which includes the inspection of any two or more
1 17 of the following components of residential real property in
1 18 connection with or to facilitate the sale, lease, or other
1 19 conveyance of, or the proposed sale, lease, or other conveyance
1 20 of, residential real property:
1 21 a. Heating, ventilation, or air conditioning system.
1 22 b. Plumbing system.
1 23 c. Electrical system.
1 24 d. Structural composition.
1 25 e. Foundation.
1 26 f. Roof.
1 27 g. Masonry structure.
1 28 h. Any other residential real property component established
1 29 by rule under this chapter.
1 30 6. "Home inspector" means a person who, for compensation
1 31 either direct or indirect, performs home inspections.
1 32 7. "Residential real property" means real property that is
1 33 an owner=occupied single=family or two=family dwelling located
1 34 in this state and occupied or used or intended to be occupied
1 35 or used for residential purposes, including an interest in any



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2 1 real property covered under chapter 499B.
2 2 Sec. 3. NEW SECTION. 104.3 Home inspector examining board.
2 3 1. A home inspector examining board is created within the
2 4 Iowa department of public safety.
2 5 2. The board shall be comprised of nine members as follows:
2 6 a. The commissioner of public safety or the commissioner's
2 7 designee.
2 8 b. The director of public health or the director's designee.
2 9 c. The state building code commissioner or the
2 10 commissioner's designee.
2 11 d. The state fire marshal or the fire marshal's designee.
2 12 e. One plumbing inspector.
2 13 f. One mechanical inspector.
2 14 g. One electrical inspector.
2 15 h. One contractor who primarily works in rural areas.
2 16 i. One contractor who primarily works in urban areas.
2 17 The board members enumerated in paragraphs "e" through
2 18 "i", shall be appointed by the governor and are subject to
2 19 confirmation by the senate.
2 20 3. Members enumerated in subsection 2, paragraphs "e"
2 21 through "i", shall serve three-year staggered terms and
2 22 shall serve no more than three full terms. A vacancy in the
2 23 membership of the board shall be filled in the same manner as
2 24 the original appointment.
2 25 4. If a person who has been appointed to serve on the board
2 26 has ever been disciplined by the board, all board complaints
2 27 and statements of charges, settlement agreements, findings of
2 28 fact, and orders pertaining to the disciplinary action shall be
2 29 made available to the senate committee to which the appointment
2 30 is referred at the committee's request before the full senate
2 31 votes on the person's appointment.
2 32 5. The board shall organize annually and shall select a
2 33 chairperson and a secretary from its membership. A quorum
2 34 shall consist of a majority of the members of the board.
2 35 6. Members of the board shall receive actual expenses for



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3 1 their duties as a member of the board. Each member of the board
3 2 may also be eligible to receive compensation as provided in
3 3 section 7E.6.

3 4 Sec. 4. NEW SECTION. 104.4 Rules.

3 5 The board shall adopt all rules necessary to carry out the
3 6 licensing and other provisions of this chapter.

3 7 Sec. 5. NEW SECTION. 104.5 Standards of practice.

3 8 1. All persons licensed under this chapter shall comply
3 9 with the standards of practice established by the board by rule
3 10 pursuant to chapter 17A.

3 11 2. Standards of practice may include recognized standards
3 12 and codes to be used in a home inspection. The board shall
3 13 consider nationally recognized standards and codes prior to
3 14 adopting rules for the standards of practice.

3 15 3. The board's standards of practice shall include all of
3 16 the following:

3 17 a. Requirements for home inspection reports. A home
3 18 inspection report is a written evaluation prepared and issued
3 19 by a home inspector upon completion of a home inspection.

3 20 b. Requirements for the retention of records by licensed
3 21 home inspectors.

3 22 Sec. 6. NEW SECTION. 104.6 Applications for examinations.

3 23 1. Any person desiring to take an examination for a license
3 24 issued pursuant to this chapter shall file an application
3 25 with the board at least fifteen days before a scheduled
3 26 examination, on a form provided by the board. The application
3 27 shall be signed by the applicant and shall be accompanied by
3 28 the examination fee and such documents and affidavits as are
3 29 necessary to show the eligibility of the applicant to take the
3 30 examination. The board may require that a recent photograph of
3 31 the applicant be attached to the application.

3 32 2. The form of the application shall be in accordance with
3 33 the rules of the department and the board.

3 34 Sec. 7. NEW SECTION. 104.7 Examinations.

3 35 1. The board shall give public notice of the time and place



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4 1 of examinations to be held under this chapter. Such notice
4 2 shall be given in such manner as the board deems necessary to
4 3 provide adequate time to allow applicants for licensure to
4 4 comply with the provisions of this chapter.

4 5 2. Examinations for the licenses which may be issued
4 6 pursuant to this chapter shall be conducted by the board.
4 7 Examinations shall be conducted at least two times per year
4 8 at such time and location as the department, in consultation
4 9 with the board, may fix. Applicants who fail to pass an
4 10 examination shall be allowed to retake the examination at
4 11 the next scheduled time. If an applicant fails twice to
4 12 pass an examination, any subsequent opportunities to take
4 13 the examination shall be available only at the discretion
4 14 of the board. An applicant who has failed an examination
4 15 may request in writing information from the board concerning
4 16 the examination grade and subject areas or questions that
4 17 the applicant failed to answer correctly, except that if the
4 18 board administers a uniform, standardized examination, the
4 19 board shall only be required to provide to the applicant the
4 20 examination grade and such other information concerning the
4 21 applicant's examination results that are available to the
4 22 board.

4 23 3. An examination shall be evaluated in accordance with
4 24 the rules of the board. After each examination, the board
4 25 shall certify the names of the successful applicants to the
4 26 department in the manner prescribed by the department. The
4 27 department shall then issue the proper license and make the
4 28 required entry in the registry pursuant to section 104.14.

4 29 4. All matters connected with an examination for a license
4 30 shall be filed with the department and preserved for such
4 31 period of time as specified by the state records commission as
4 32 a part of the records of the department. The records, except
4 33 for records which reveal the performance on an examination of
4 34 an identified candidate, shall be open to public inspection.

4 35 Sec. 8. NEW SECTION. 104.8 Examination rules.



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5 1 The board shall adopt rules relating to all of the following:
5 2 1. The qualifications required for applicants seeking to
5 3 take examinations.
5 4 2. The denial of applicants seeking to take examinations.
5 5 3. The conducting of examinations.
5 6 4. The grading of examinations and passing upon the
5 7 technical qualifications of applicants, as shown by such
5 8 examinations.
5 9 5. The minimum scores required for passing examinations.
5 10 6. The selection of nationally recognized vendors providing
5 11 examinations.
5 12 Sec. 9. NEW SECTION. 104.9 Examination assistance.
5 13 Upon the request of the board, the department shall assign
5 14 one or more employees of the department to assist with
5 15 conducting an examination. A member of the board shall be
5 16 present and shall have charge of all candidates during the
5 17 examination. An employee assigned by the department shall
5 18 perform such duties to assist with the examination process
5 19 as the board may direct. If the duties of such employee are
5 20 performed away from the seat of government, the employee shall
5 21 receive necessary travel expenses which shall be reimbursed by
5 22 the board for costs incurred.
5 23 Sec. 10. NEW SECTION. 104.10 Fees.
5 24 1. The board shall set the fees for the examination of all
5 25 applicants, by rule, which fees shall be based upon the cost of
5 26 administering the examinations.
5 27 2. The board shall set the license fees and renewal fees for
5 28 all licenses issued pursuant to this chapter, by rule, based
5 29 upon the costs of sustaining the board and the actual costs of
5 30 licensing.
5 31 3. All fees collected under this chapter and penalties
5 32 collected under section 104.26 shall be retained by the board.
5 33 The moneys retained by the board shall be used for any of the
5 34 board's duties under this chapter, including but not limited
5 35 to the addition of full-time equivalent positions for program



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6 1 services and investigations. Revenues retained by the board
6 2 pursuant to this section shall be considered repayment receipts
6 3 as defined in section 8.2. Notwithstanding section 8.33,
6 4 moneys retained by the board pursuant to this section are not
6 5 subject to reversion to the general fund of the state.

6 6 4. Commencing July 2012 and every biennium thereafter, the
6 7 board shall review its revenue, including amounts generated
6 8 from license fees set pursuant to this chapter, and its
6 9 expenses for purposes of reevaluating its fee structures.

6 10 Sec. 11. NEW SECTION. 104.11 License required == exception.

6 11 1. A person shall not perform a home inspection without
6 12 obtaining a license issued under this chapter.

6 13 2. A person shall not engage in the business of home
6 14 inspections unless at all times a licensed home inspector
6 15 is employed by the person and is actively in charge of
6 16 performing the home inspections. An individual who performs
6 17 home inspections pursuant to a business operated as a sole
6 18 proprietorship shall be a licensed home inspector.

6 19 3. The licensing requirements of this chapter shall not
6 20 apply to an employee of any unit of state or local government,
6 21 including but not limited to cities, counties, or school
6 22 corporations, performing home inspections while acting within
6 23 the scope of the government employee's employment.

6 24 Sec. 12. NEW SECTION. 104.12 Form of license == term of
6 25 license.

6 26 1. a. A home inspector license shall be in the form of a
6 27 certificate under the seal of the department, signed by the
6 28 Iowa director of public safety, and shall be issued in the name
6 29 of the board. The license number shall be noted on the face of
6 30 the license.

6 31 b. In addition to the certificate, the board shall provide
6 32 each licensee with a wallet-sized licensing identification
6 33 card.

6 34 2. A license issued pursuant to this chapter shall be issued
6 35 for a term of two years.



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7 1 Sec. 13. NEW SECTION. 104.13 License presumptive evidence.
7 2 A license issued under this chapter shall be presumptive
7 3 evidence of the right of the holder to perform home inspections
7 4 in this state.

7 5 Sec. 14. NEW SECTION. 104.14 Registry of licenses.
7 6 The name, location, license number, and date of issuance
7 7 of the license of each person to whom a license has been
7 8 issued shall be entered in a registry kept in the office of
7 9 the department to be known as the home inspector registry.
7 10 The registry may be electronic and shall be open to public
7 11 inspection. However, the licensee's home address, home
7 12 telephone number, and other personal information as determined
7 13 by rule shall be confidential.

7 14 Sec. 15. NEW SECTION. 104.15 Change of residence.
7 15 If a person licensed to perform home inspections under this
7 16 chapter changes the person's residence or place of practice,
7 17 the person shall so notify the board.

7 18 Sec. 16. NEW SECTION. 104.16 Preemption of local licensing
7 19 requirements.

7 20 1. The provisions of this chapter regarding the licensing of
7 21 home inspectors shall supersede and preempt all home inspector
7 22 licensing provisions of all governmental subdivisions. On
7 23 and after the effective date of this Act, all home inspector
7 24 licensing provisions promulgated by any governmental
7 25 subdivision shall be null and void and of no further force and
7 26 effect, and a governmental subdivision may not prohibit a home
7 27 inspector licensed pursuant to this chapter from performing
7 28 services for which that person is licensed.

7 29 2. Nothing in this chapter shall prohibit a governmental
7 30 subdivision from assessing and collecting inspection fees
7 31 related to inspections performed by a licensed home inspector.

7 32 Sec. 17. NEW SECTION. 104.17 Qualifications and
7 33 requirements.

7 34 1. The board shall adopt, by rule, general qualifications
7 35 for licensure. The board may consider the past felony record



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8 1 of an applicant only if the felony conviction relates directly
8 2 to the practice of home inspections. References may be
8 3 required as part of the licensing process.
8 4 2. An applicant for a home inspector license shall be
8 5 at least twenty-one years of age at the time the applicant
8 6 completes the examination under this chapter.
8 7 3. Notwithstanding section 17A.9A, the board shall waive
8 8 the written examination requirements established by the board
8 9 if the applicant meets either of the following requirements:
8 10 a. The applicant has previously passed a written examination
8 11 which the board deems to be substantially similar to the
8 12 licensing examination otherwise required by the board to obtain
8 13 a license and the applicant has completed at least eight
8 14 classroom hours of continuing education in courses or seminars
8 15 approved by the board within the two-year period immediately
8 16 preceding the date of the applicant's license application.
8 17 b. The applicant can demonstrate to the satisfaction of the
8 18 board that the applicant has five or more years of experience
8 19 prior to the effective date of this Act in home inspection
8 20 business, which experience is of a nature that the board
8 21 deems to be sufficient to demonstrate continuous professional
8 22 competency consistent with that expected of an individual who
8 23 passes the applicable licensing examination which the applicant
8 24 would otherwise be required to pass.
8 25 Sec. 18. NEW SECTION. 104.18 Insurance and surety bond
8 26 requirements.
8 27 1. An applicant for a license or renewal of an active
8 28 license shall provide evidence of a public liability insurance
8 29 policy and surety bond in an amount determined sufficient by
8 30 the board by rule.
8 31 2. If the applicant performs home inspections individually
8 32 through a business conducted as a sole proprietorship, the
8 33 applicant shall personally obtain the insurance and surety
8 34 bond required by this section. If the applicant is engaged
8 35 in the home inspection business as an employee or owner of a



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9 1 legal entity, the insurance and surety bond required by this
9 2 section shall be obtained by the entity and shall cover all
9 3 home inspections performed by the entity.

9 4 3. The insurance and surety bond shall be written by an
9 5 entity licensed to do business in this state and each licensed
9 6 home inspector shall maintain on file with the department a
9 7 certificate evidencing that the insurance or surety bond shall
9 8 not be canceled without the entity first giving fifteen days
9 9 written notice to the department.

9 10 Sec. 19. NEW SECTION. 104.19 Renewal and reinstatement of
9 11 licenses == fees and penalties == continuing education.

9 12 1. A license issued under this chapter may be renewed as
9 13 provided by rule adopted by the board upon application by the
9 14 licensee pursuant to this section. A renewal license shall be
9 15 displayed in connection with the original license.

9 16 2. The department shall notify each licensee by mail at
9 17 least sixty days prior to the expiration of a license.

9 18 3. Applications for renewal shall be made in writing to the
9 19 department accompanied by the required renewal licensing fee at
9 20 least thirty days prior to the expiration date of the license.

9 21 4. Failure to renew a license within a reasonable time after
9 22 the expiration of the license shall not invalidate the license
9 23 for purposes of renewal or reinstatement, but a penalty may be
9 24 assessed as adopted by rule, in addition to the license renewal
9 25 fee, to allow reinstatement of the license.

9 26 5. a. A licensee who allows a license to lapse for a
9 27 period of one month or less may reinstate and renew the license
9 28 without examination upon payment of the applicable renewal and
9 29 reinstatement fees and any penalties if assessed.

9 30 b. A licensee who allows a license to lapse for a period of
9 31 time greater than one month is required to retake and pass the
9 32 applicable licensing examination, and pay the license renewal
9 33 fee and penalty if assessed, in addition to the examination
9 34 fee, in order to obtain reinstatement and renewal of that
9 35 person's license.



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10 1 6. The board shall establish continuing education
10 2 requirements pursuant to section 272C.2. The basic continuing
10 3 education requirement for renewal of a license shall be the
10 4 completion, during the immediately preceding license term, of
10 5 the number of classroom hours of instruction required by the
10 6 board in courses or seminars which have been approved by the
10 7 board. The board shall require at least eight classroom hours
10 8 of instruction during each two-year licensing term.
10 9 Sec. 20. NEW SECTION. 104.20 Reciprocal licenses.
10 10 The board may license without examination a nonresident
10 11 applicant who is licensed under home inspector licensing
10 12 statutes of another state having similar licensing requirements
10 13 as those set forth in this chapter and rules adopted under this
10 14 chapter if the other state grants the same reciprocal licensing
10 15 privileges to residents of Iowa who have obtained Iowa home
10 16 inspector licenses under this chapter. The department and the
10 17 board shall adopt the necessary rules, not inconsistent with
10 18 the law, for carrying out the reciprocal licensing relations
10 19 with other states.
10 20 Sec. 21. NEW SECTION. 104.21 Grounds for denial,
10 21 revocation, or suspension of license.
10 22 A license to practice as a home inspector may be revoked
10 23 or suspended, or an application for licensure may be denied,
10 24 pursuant to procedures established pursuant to chapter 272C
10 25 by the board, or the licensee may be otherwise disciplined in
10 26 accordance with that chapter, when the licensee commits any of
10 27 the following acts or offenses:
10 28 1. Fraud in procuring a license.
10 29 2. Professional incompetence.
10 30 3. Knowingly making misleading, deceptive, untrue, or
10 31 fraudulent misrepresentations in the practice of the profession
10 32 or engaging in unethical conduct or practice harmful or
10 33 detrimental to the public. Proof of actual injury need not be
10 34 established.
10 35 4. Conviction of a felony related to the profession or



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11 1 occupation of the licensee or the conviction of any felony
11 2 that would affect the licensee's ability to practice within
11 3 the profession. A copy of the record of conviction or plea of
11 4 guilty shall be conclusive evidence of such conviction.
11 5 5. Fraud in representations as to skill or ability.
11 6 6. Use of untruthful or improbable statements in
11 7 advertisements.
11 8 7. Willful or repeated violations of this chapter.
11 9 8. Aiding and abetting a person who is not licensed pursuant
11 10 to this chapter in that person's pursuit of an unauthorized and
11 11 unlicensed home inspection practice.
11 12 9. Failure to meet the commonly accepted standards of
11 13 professional competence.
11 14 10. Any other such grounds as established by rule by the
11 15 board.
11 16 Sec. 22. NEW SECTION. 104.22 Jurisdiction of revocation and
11 17 suspension proceedings.
11 18 The board shall have exclusive jurisdiction of all
11 19 proceedings to revoke or suspend a license issued pursuant
11 20 to this chapter. The board may initiate proceedings under
11 21 this chapter or chapter 272C, following procedures set out in
11 22 section 272C.6, either on its own motion or on the complaint of
11 23 any person. Before scheduling a hearing, the board may request
11 24 the department to conduct an investigation into the charges
11 25 to be addressed at the board hearing. The department shall
11 26 report its findings to the board. The board, in connection
11 27 with a proceeding under this chapter, may issue subpoenas to
11 28 compel attendance and testimony of witnesses and the disclosure
11 29 of evidence and may request the attorney general to bring an
11 30 action to enforce the subpoena.
11 31 Sec. 23. NEW SECTION. 104.23 Notice and default.
11 32 1. A written notice stating the nature of the charge or
11 33 charges against a licensee and the time and place of the
11 34 hearing before the board on the charges shall be served on the
11 35 licensee, either personally or by mailing a copy by certified



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12 1 mail to the last known address of the licensee, not less than
12 2 thirty days prior to the date of the hearing.
12 3 2. If, after having been served with the notice of hearing,
12 4 the licensee fails to appear at the hearing, the board may
12 5 proceed to hear evidence against the licensee and may enter
12 6 such order as is justified by the evidence.
12 7 Sec. 24. NEW SECTION. 104.24 Advertising == violations ==
12 8 criminal penalties.
12 9 1. Only a person who is duly licensed pursuant to this
12 10 chapter may advertise the fact that the person is licensed as a
12 11 home inspector by the state of Iowa.
12 12 2. All written advertisements distributed in this state by a
12 13 person who is engaged in the business of home inspections shall
12 14 include the listing of at least one home inspector's license
12 15 number. A licensed home inspector shall not allow the home
12 16 inspector's license number to be used in connection with the
12 17 advertising for more than one person engaged in the business of
12 18 home inspections.
12 19 3. A person who fraudulently claims to be a licensed home
12 20 inspector pursuant to this chapter, either in writing, cards,
12 21 signs, circulars, advertisements, or other communications, is
12 22 guilty of a simple misdemeanor.
12 23 4. In order to be entitled to use a home inspector's license
12 24 number, the home inspector must be employed by the person in
12 25 whose name the business of inspecting homes is being performed.
12 26 A person who fraudulently lists a home inspector's license
12 27 number in connection with that person's advertising or falsely
12 28 displays a home inspector's license number is guilty of a
12 29 simple misdemeanor.
12 30 Sec. 25. NEW SECTION. 104.25 Injunction.
12 31 A person performing home inspections without a license
12 32 issued under this chapter may be restrained by injunction.
12 33 Sec. 26. NEW SECTION. 104.26 Civil penalty.
12 34 1. In addition to any other penalties provided for in this
12 35 chapter, the board may, by order, impose a civil penalty, not



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13 1 to exceed five thousand dollars per offense, upon a person
13 2 violating any provision of this chapter. Each day of a
13 3 continued violation constitutes a separate offense. Before
13 4 issuing an order under this section, the board shall provide
13 5 the person written notice and the opportunity to request a
13 6 hearing on the record. The hearing must be requested within
13 7 thirty days of the issuance of the notice.

13 8 2. A person aggrieved by the imposition of a civil penalty
13 9 under this section may seek judicial review in accordance with
13 10 section 17A.19.

13 11 3. If a person fails to pay a civil penalty within thirty
13 12 days after entry of an order under subsection 1 or, if the
13 13 order is stayed pending an appeal, within ten days after the
13 14 court enters a final judgment in favor of the board, the board
13 15 shall notify the attorney general. The attorney general may
13 16 commence an action to recover the amount of the penalty,
13 17 including reasonable attorney fees and costs.

13 18 4. An action to enforce an order under this section may be
13 19 joined with an action for an injunction under section 104.25.

13 20 5. Civil penalties collected under this section shall be
13 21 deposited in the same account that fees under section 104.10
13 22 are deposited.

13 23 Sec. 27. NEW SECTION. 104.27 Enforcement.

13 24 The board shall enforce the provisions of this chapter.
13 25 Every licensee and member of the board shall furnish the
13 26 board with such evidence as the licensee or member may have
13 27 relative to any alleged violation of this chapter that is being
13 28 investigated.

13 29 Sec. 28. NEW SECTION. 104.28 Report of violators.

13 30 Each licensee and each member of the board shall report to
13 31 the department the name of any person who is practicing as
13 32 a home inspector without a license issued pursuant to this
13 33 chapter, according to the knowledge or reasonable belief of the
13 34 person making the report. The opening of an office or place of
13 35 business for the purpose of providing any services for which



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14 1 a license is required by this chapter, the announcing to the
14 2 public in any way the intention to provide any such service,
14 3 the use of any professional designation, or the use of any
14 4 sign, card, circular, device, vehicle, or advertisement, as a
14 5 provider of any such services shall be prima facie evidence of
14 6 engaging in the practice of home inspections.

14 7 Sec. 29. NEW SECTION. 104.29 Attorney general.

14 8 Upon request of the board, the attorney general shall
14 9 institute in the name of the state the proper proceedings
14 10 against any person charged by the department with violating any
14 11 provision of this chapter.

14 12 Sec. 30. Section 272C.1, subsection 6, Code 2011, is amended
14 13 by adding the following new paragraph:

14 14 NEW PARAGRAPH. ag. The home inspector examining board,
14 15 created pursuant to chapter 104.

14 16 Sec. 31. Section 272C.3, subsection 2, paragraph a, Code
14 17 2011, is amended to read as follows:

14 18 a. Revoke a license, or suspend a license either until
14 19 further order of the board or for a specified period, upon
14 20 any of the grounds specified in section 100D.5, 104.21,
14 21 105.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24,
14 22 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
14 23 or 602.3203 or chapter 151 or 155, as applicable, or upon
14 24 any other grounds specifically provided for in this chapter
14 25 for revocation of the license of a licensee subject to the
14 26 jurisdiction of that board, or upon failure of the licensee
14 27 to comply with a decision of the board imposing licensee
14 28 discipline.

14 29 Sec. 32. Section 272C.4, subsection 6, Code 2011, is amended
14 30 to read as follows:

14 31 6. Define by rule acts or omissions that are grounds for
14 32 revocation or suspension of a license under section 100D.5,
14 33 104.21, 105.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24,
14 34 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
14 35 or 602.3203 or chapter 151 or 155, as applicable, and to define



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15 1 by rule acts or omissions that constitute negligence, careless
15 2 acts, or omissions within the meaning of section 272C.3,
15 3 subsection 2, paragraph "b", which licensees are required to
15 4 report to the board pursuant to section 272C.9, subsection 2.

15 5 Sec. 33. Section 272C.5, subsection 2, paragraph c, Code
15 6 2011, is amended to read as follows:

15 7 c. Shall state whether the procedures are an alternative
15 8 to or an addition to the procedures stated in sections 100D.5,
15 9 104.22, 104.23, 105.23, 105.24, 148.6 through 148.9, 152.10,
15 10 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and
15 11 544B.16.

15 12 Sec. 34. Section 558A.4, subsection 2, Code 2011, is amended
15 13 to read as follows:

15 14 2. The disclosure statement may include a report or written
15 15 opinion prepared by a home inspector licensed under chapter 104
15 16 or a person qualified to make judgment based on education or
15 17 experience, as provided by rules adopted by the commission,
15 18 including but not limited to a land surveyor licensed pursuant
15 19 to chapter 542B, a geologist, a structural pest control
15 20 operator licensed pursuant to section 206.6, or a building
15 21 contractor. The report or opinion on a matter within the scope
15 22 of the home inspector's or person's practice, profession, or
15 23 expertise shall satisfy the requirements of this section or
15 24 rules adopted by the commission regarding that matter required
15 25 to be disclosed. If the report or opinion is in response
15 26 to a request made for purposes of satisfying the disclosure
15 27 statement, the report or opinion shall indicate which part of
15 28 the disclosure statement the report or opinion satisfies.

15 29 Sec. 35. Section 558A.6, subsection 2, Code 2011, is amended
15 30 to read as follows:

15 31 2. The home inspector or person submitting a report or
15 32 opinion within the scope of the home inspector's or person's
15 33 practice, profession, or expertise, as provided in section
15 34 558A.4, for purposes of satisfying the disclosure statement,
15 35 shall not be liable under this chapter for any matter other



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17 1 the applicant takes the licensing examination. The bill also
17 2 identifies the grounds for denial, revocation, or suspension
17 3 of a license, specifies the conditions under which the board
17 4 may waive the written examination requirement, establishes
17 5 requirements and procedures for the renewal and reinstatement
17 6 of licenses, and directs the board to establish continuing
17 7 education requirements for licensees.

17 8 The bill limits advertising for home inspection services to
17 9 those persons who are licensed or those businesses who employ a
17 10 licensed home inspector. The bill provides for the issuance of
17 11 reciprocal licenses if certain conditions are met.

17 12 The bill specifies the enforcement authority of the board
17 13 and authorizes the board to impose a civil penalty, not to
17 14 exceed \$5,000 per offense upon a person who violates any
17 15 provision of new Code chapter 104. The bill also provides
17 16 that specified violations of new Code chapter 104 are simple
17 17 misdemeanors.

17 18 A simple misdemeanor is punishable by confinement for no
17 19 more than 30 days or a fine of at least \$65 but not more than
17 20 \$625 or by both.

17 21 The bill takes effect July 1, 2012.

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Senate File 27 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act providing for the licensure of persons who install and
2 maintain solar thermal systems and solar photovoltaic panels
3 and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1490XS (4) 84
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1 1 Section 1. Section 105.1, Code 2011, is amended to read as
1 2 follows:
1 3 105.1 Title.
1 4 This chapter may be known and cited as the "Iowa Plumber,
1 5 Mechanical, Solar Professional, and Contractor Licensing Act".
1 6 Sec. 2. Section 105.2, Code 2011, is amended by adding the
1 7 following new subsections:
1 8 NEW SUBSECTION. 18. "Solar professional" means a person
1 9 whose services consist of the installation, alteration, repair,
1 10 maintenance, relocation, or replacement of a solar system.
1 11 NEW SUBSECTION. 19. "Solar system" means panels for
1 12 portable solar heating systems and photovoltaic systems and any
1 13 appurtenances, apparatus, or equipment used in connection with
1 14 those systems.
1 15 Sec. 3. Section 105.3, subsection 1, Code 2011, is amended
1 16 to read as follows:
1 17 1. A plumbing, ~~and~~ mechanical, and solar systems board is
1 18 created within the Iowa department of public health.
1 19 Sec. 4. Section 105.3, subsection 2, paragraphs a and b,
1 20 Code 2011, are amended to read as follows:
1 21 a. The board shall be comprised of ~~eleven~~ twelve members,
1 22 appointed by the governor, as follows:
1 23 (1) The director of public health or the director's
1 24 designee.
1 25 (2) The commissioner of public safety or the commissioner's
1 26 designee.
1 27 (3) One plumbing inspector.
1 28 (4) One mechanical inspector.
1 29 (5) A contractor who primarily works in rural areas.
1 30 (6) An individual licensed as a journeyperson plumber
1 31 pursuant to the provisions of this chapter or, for the initial
1 32 membership of the board, an individual eligible for such
1 33 licensure.
1 34 (7) An individual working as a plumbing contractor and
1 35 licensed as a master plumber pursuant to the provisions of



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2 1 this chapter or, for the initial membership of the board, an
2 2 individual eligible for such licensure.

2 3 (8) Two individuals licensed as journeyperson mechanical
2 4 professionals pursuant to the provisions of this chapter or,
2 5 for the initial membership of the board, two individuals
2 6 eligible for such licensure.

2 7 (9) Two individuals licensed as master mechanical
2 8 professionals pursuant to the provisions of this chapter or,
2 9 for the initial membership of the board, two individuals
2 10 eligible for such licensure. One of these individuals shall be
2 11 a mechanical systems contractor.

2 12 (10) An individual licensed as a solar professional
2 13 pursuant to the provisions of this chapter or, for the initial
2 14 appointment, an individual eligible for such licensure.

2 15 b. The board members enumerated in paragraph ~~a~~ "a",
2 16 subparagraphs (3) through ~~(9)~~ (10), are subject to confirmation
2 17 by the senate.

2 18 Sec. 5. Section 105.3, subsection 7, Code 2011, is amended
2 19 to read as follows:

2 20 7. The board may maintain a membership in any national
2 21 organization of state boards for the professions of plumbing,
2 22 HVAC, refrigeration, ~~or~~ hydronic, or solar professionals, with
2 23 all membership fees to be paid from funds appropriated to the
2 24 board.

2 25 Sec. 6. Section 105.10, subsection 1, Code 2011, is amended
2 26 to read as follows:

2 27 1. Except as provided in section 105.11, a person shall not
2 28 operate as a contractor or install or repair plumbing, HVAC,
2 29 refrigeration, ~~or~~ hydronic, or solar systems without obtaining
2 30 a license issued by the board, or install or repair medical gas
2 31 piping systems without obtaining a valid certification approved
2 32 by the board.

2 33 Sec. 7. Section 105.11, subsections 7 and 10, Code 2011, are
2 34 amended to read as follows:

2 35 7. Require a helper engaged in general manual labor



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3 1 activities while providing assistance to an apprentice,
3 2 journeyperson, or master to obtain a plumbing, HVAC,
3 3 refrigeration, ~~or~~ hydronic, or solar license. Experience as a
3 4 helper shall not be considered as practical experience for a
3 5 journeyperson license.

3 6 10. Apply to the employees of manufacturers, manufacturer
3 7 representatives, or wholesale suppliers who provide
3 8 consultation or develop plans concerning plumbing, HVAC,
3 9 refrigeration, ~~or~~ hydronic, or solar work, or who assist a
3 10 person licensed under this chapter in the installation of
3 11 mechanical, hydronic, solar, or plumbing systems.

3 12 Sec. 8. Section 105.12, subsection 1, Code 2011, is amended
3 13 to read as follows:

3 14 1. A contracting, plumbing, HVAC, refrigeration, ~~or~~
3 15 hydronic, or solar license shall be in the form of a
3 16 certificate under the seal of the department, signed by the
3 17 director of public health, and shall be issued in the name of
3 18 the board. The license number shall be noted on the face of the
3 19 license.

3 20 Sec. 9. Section 105.15, Code 2011, is amended to read as
3 21 follows:

3 22 105.15 Registry of licenses.

3 23 The name, location, license number, and date of issuance of
3 24 the license of each person to whom a license has been issued
3 25 shall be entered in a registry kept in the office of the
3 26 department to be known as the plumbing, HVAC, refrigeration, ~~or~~
3 27 hydronic, or solar registry. The registry may be electronic
3 28 and shall be open to public inspection; however, the licensee's
3 29 home address, home telephone number, and other personal
3 30 information as determined by rule shall be confidential.

3 31 Sec. 10. Section 105.16, Code 2011, is amended to read as
3 32 follows:

3 33 105.16 Change of residence.

3 34 If a person licensed to practice as a contractor or
3 35 a plumbing, HVAC, refrigeration, ~~or~~ hydronic, or solar



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4 1 professional under this chapter changes the person's residence
4 2 or place of practice, the person shall so notify the board.

4 3 Sec. 11. Section 105.17, subsection 1, unnumbered paragraph
4 4 1, Code 2011, is amended to read as follows:

4 5 The provisions of this chapter regarding the licensing
4 6 of plumbing, HVAC, refrigeration, ~~and~~ hydronic, and solar
4 7 professionals and contractors shall supersede and preempt all
4 8 plumbing, HVAC, refrigeration, hydronic, solar, and contracting
4 9 licensing provisions of all governmental subdivisions.

4 10 Sec. 12. Section 105.17, subsection 1, paragraph b, Code
4 11 2011, is amended to read as follows:

4 12 b. On and after July 1, 2008, a governmental subdivision
4 13 shall not prohibit a contractor or a plumbing, HVAC,
4 14 refrigeration, solar, or hydronic professional licensed
4 15 pursuant to this chapter from performing services for which
4 16 that person is licensed pursuant to this chapter or enforce any
4 17 plumbing and mechanical licensing provisions promulgated by the
4 18 governmental subdivision against a person licensed pursuant to
4 19 this chapter.

4 20 Sec. 13. Section 105.18, Code 2011, is amended by adding the
4 21 following new subsection:

4 22 NEW SUBSECTION. 2A. Solar professional and contractor
4 23 licenses. The board shall issue separate licenses for solar
4 24 professionals and for contractors as follows:

4 25 a. Solar professional. In order to be licensed by the
4 26 board as a solar professional, a person shall do all of the
4 27 following:

4 28 (1) File an application and pay application fees as
4 29 established by the board, which application shall establish
4 30 that the person meets the minimum educational and experience
4 31 requirements adopted by the board in rule.

4 32 (2) Pass a licensing examination.

4 33 b. Contractor license. In order to be licensed by the board
4 34 as a contractor, a person shall do all of the following:

4 35 (1) File an application and pay application fees as



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5 1 established by the board, which application shall provide the
5 2 person's state contractor registration number and establish
5 3 that the person meets the minimum requirements adopted by the
5 4 board.

5 5 (2) Maintain a permanent place of business.

5 6 (3) Hold a solar professional license or employ at least one
5 7 person holding a solar professional license under this chapter.

5 8 Sec. 14. Section 105.18, subsection 3, paragraph b, Code
5 9 2011, is amended to read as follows:

5 10 b. Special, restricted license. The board may by rule
5 11 provide for the issuance of special plumbing, ~~and~~ mechanical,
5 12 hydronic, and solar professional licenses authorizing the

5 13 licensee to engage in a limited class or classes of plumbing,
5 14 ~~or~~ mechanical, hydronic, or solar professional work, which

5 15 class or classes shall be specified on the license. Each
5 16 licensee shall have experience, acceptable to the board, in

5 17 each such limited class for which the person is licensed. The
5 18 board shall designate each special, restricted license to be

5 19 a sublicense of either a plumbing, HVAC, refrigeration, ~~or~~
5 20 hydronic, or solar license. An individual holding a master

5 21 or journeyman, plumbing, HVAC, refrigeration, ~~or~~ hydronic,
5 22 or solar license shall not be required to obtain any special,

5 23 restricted license which is a sublicense of the license
5 24 that the individual holds. Special ~~plumbing and mechanical~~

5 25 professional licenses shall be issued to employees of a
5 26 rate-regulated gas or electric public utility who conduct the

5 27 repair of appliances. "Repair of appliances" means the repair
5 28 or replacement of mechanical connections between the appliance

5 29 shutoff valve and the appliance and repair of or replacement
5 30 of parts to the appliance. Such special, restricted license

5 31 shall require certification pursuant to industry-accredited
5 32 certification standards.

5 33 Sec. 15. Section 105.19, subsection 2, Code 2011, is amended
5 34 to read as follows:

5 35 2. If the applicant is engaged in plumbing, HVAC,



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6 1 refrigeration, ~~or~~ hydronic, or solar work individually through
6 2 a business conducted as a sole proprietorship, the applicant
6 3 shall personally obtain the insurance and surety bond required
6 4 by this section. If the applicant is engaged in the plumbing,
6 5 HVAC, refrigeration, ~~or~~ hydronic, or solar business as an
6 6 employee or owner of a legal entity, then the insurance and
6 7 surety bond required by this section shall be obtained by the
6 8 entity and shall cover all plumbing ~~or~~ mechanical, or solar
6 9 work performed by the entity.

6 10 Sec. 16. Section 105.21, Code 2011, is amended to read as
6 11 follows:

6 12 105.21 Reciprocal licenses.

6 13 The board may license without examination a nonresident
6 14 applicant who is licensed under plumbing, HVAC, refrigeration,
6 15 ~~or~~ hydronic, or solar professional licensing statutes of
6 16 another state having similar licensing requirements as
6 17 those set forth in this chapter and the rules adopted under
6 18 this chapter if the other state grants the same reciprocal
6 19 licensing privileges to residents of Iowa who have obtained
6 20 Iowa plumbing, ~~or~~ mechanical, or solar professional licenses
6 21 under this chapter. The board shall adopt the necessary rules,
6 22 not inconsistent with the law, for carrying out the reciprocal
6 23 relations with other states which are authorized by this
6 24 chapter.

6 25 Sec. 17. Section 105.22, unnumbered paragraph 1, Code 2011,
6 26 is amended to read as follows:

6 27 A license to practice as a contractor or as a plumbing,
6 28 HVAC, refrigeration, ~~or~~ hydronic, or solar professional may be
6 29 revoked or suspended, or an application for licensure may be
6 30 denied pursuant to procedures established pursuant to chapter
6 31 272C by the board, or the licensee may be otherwise disciplined
6 32 in accordance with that chapter, when the licensee commits any
6 33 of the following acts or offenses:

6 34 Sec. 18. Section 105.22, subsection 8, Code 2011, is amended
6 35 to read as follows:



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7 1 8. Aiding and abetting a person who is not licensed pursuant
7 2 to this chapter in that person's pursuit of an unauthorized and
7 3 unlicensed plumbing, HVAC, refrigeration, ~~or~~ hydronic, or solar
7 4 professional practice.

7 5 Sec. 19. Section 105.25, subsections 1 and 3, Code 2011, are
7 6 amended to read as follows:

7 7 1. Only a person who is duly licensed pursuant to this
7 8 chapter may advertise the fact that the person is licensed as
7 9 a contractor or as a plumbing, HVAC, refrigeration, solar, or
7 10 hydronic professional by the state of Iowa.

7 11 3. A person who fraudulently claims to be a licensed
7 12 contractor or a licensed plumbing, HVAC, refrigeration, solar,
7 13 or hydronic professional pursuant to this chapter, either in
7 14 writing, cards, signs, circulars, advertisements, or other
7 15 communications, is guilty of a simple misdemeanor.

7 16 Sec. 20. Section 272C.1, subsection 6, paragraph ae, Code
7 17 2011, is amended to read as follows:

7 18 ae. The plumbing, ~~and~~ mechanical, and solar systems board,
7 19 created pursuant to chapter 105.

7 20 EXPLANATION

7 21 Iowa law (Code chapter 105) currently licenses persons
7 22 who design, install, and repair the HVAC, refrigeration, or
7 23 hydronic systems, or serve as contractors of such systems.
7 24 Licenses are available either individually or in combination.
7 25 The profession is regulated by a licensing board under the
7 26 aegis of the department of public health.

7 27 This bill adds licenses for solar professionals and
7 28 contractors to Code chapter 105. A solar professional is a
7 29 person who installs, alters, repairs, maintains, relocates,
7 30 or replaces a solar heating or photovoltaic system and any
7 31 apparatus or equipment used in connection with the system. The
7 32 bill adds to the membership of the licensing board one person
7 33 who is a solar professional.

7 34 Unlike plumbing, HVAC, refrigeration, and hydronic
7 35 licenses, licensure as a solar professional is not broken into



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8 1 apprentice, journey person, or master categories. Licensure as
8 2 a solar professional requires that the applicant:
8 3 1) Pay application fees as established by the board.
8 4 2) Meet the minimum educational and experience requirements
8 5 adopted by the board in rule.
8 6 3) Pass a licensing examination.
8 7 Licensure as a solar contractor requires that the applicant:
8 8 1) Pay application fees as established by the board.
8 9 2) Provide the applicant's state contractor registration
8 10 number and meet the minimum requirements adopted by the board.
8 11 3) Maintain a permanent place of business.
8 12 4) Hold a solar professional license or employ at least one
8 13 person holding a solar professional license under Code chapter
8 14 105.
8 15 In keeping with the current licensing scheme, solar
8 16 professional and contractor licenses may be obtained
8 17 individually or in combination with HVAC, refrigeration, or
8 18 hydronic systems licenses.
8 19 Currently, a violation of Code chapter 105 is a simple
8 20 misdemeanor. A simple misdemeanor is punishable by confinement
8 21 for no more than 30 days or a fine of at least \$65 but not more
8 22 than \$625 or both. In addition, the board may impose a civil
8 23 penalty not to exceed \$5,000 per offense for certain violations
8 24 of Code chapter 105.

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Senate File 28 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act relating to local and regional planning and establishing
2 a state office of planning and geographic information
3 systems within the department of economic development and
4 making appropriations.

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



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1 1 Section 1. NEW SECTION. 15.221 Office of planning and
1 2 geographic information systems created ==== appropriation.
1 3 1. An office of planning and geographic information systems
1 4 is created within the department of economic development
1 5 responsible for developing the state's interest in coordinated
1 6 and integrated local and regional land use planning, and for
1 7 administering a statewide geographic information and data
1 8 system. The duties of the office shall include all of the
1 9 following:
1 10 a. Planning coordination for which the office shall do all
1 11 of the following:
1 12 (1) Develop and coordinate smart planning educational
1 13 programming for planning professionals, elected officials, and
1 14 the public, as approved by the coordinating council created in
1 15 section 15.222.
1 16 (2) Establish a publicly accessible electronic repository
1 17 for local and regional comprehensive plans.
1 18 (3) Provide an annual smart planning report to the governor
1 19 and general assembly by November 1.
1 20 (4) Administer and deliver smart planning technical and
1 21 financial assistance to regional organizations and local
1 22 governments.
1 23 (5) Establish an appeals process to allow for the review of
1 24 local comprehensive plans for qualification as a smart plan as
1 25 set out in section 28H.3, subsection 6.
1 26 (6) Work with other state agencies to incorporate the smart
1 27 planning principles set out in section 18B.1 into new and
1 28 existing programs, including the state's enterprise strategic
1 29 planning process, with consideration for providing incentives
1 30 for the use of smart planning principles.
1 31 (7) Provide staff support to the coordinating council for
1 32 the office of planning and geographic information systems.
1 33 (8) Provide staff support to the Iowa smart planning task
1 34 force established by 2010 Iowa Acts, chapter 1184, section
1 35 25, through December 31, 2012, in collaboration with the Iowa



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2 1 association of regional councils, as organized by the councils
2 2 of governments established under chapter 28H.
2 3 b. The development of geographic information and data
2 4 management systems which shall include all of the following:
2 5 (1) Development and maintenance of a centralized geographic
2 6 information system enterprise and data distribution network.
2 7 (2) Provision of technical assistance to local, regional,
2 8 and state geographic information systems providers and users.
2 9 (3) Creation of standards for geographic information
2 10 systems and data for the centralized network.
2 11 2. Four full-time equivalent positions shall be designated
2 12 for this office commencing with the fiscal year beginning July
2 13 1, 2011. There is annually appropriated from the general
2 14 fund of the state four hundred fifty thousand dollars to the
2 15 department of economic development for the operation of this
2 16 office.
2 17 Sec. 2. NEW SECTION. 15.222 Coordinating council created.
2 18 1. A coordinating council is created for the office of
2 19 planning and geographic information systems which shall consist
2 20 of the following twenty-one members:
2 21 a. One representative selected by the Iowa league of cities,
2 22 from a city having a population of five thousand or less
2 23 according to the most recent certified federal census.
2 24 b. One representative selected by the Iowa league of cities,
2 25 from a city having a population of more than five thousand and
2 26 less than twenty-five thousand according to the most recent
2 27 certified federal census.
2 28 c. One representative selected by the Iowa league of cities,
2 29 from a city having a population of twenty-five thousand or more
2 30 according to the most recent certified federal census.
2 31 d. One representative selected by the Iowa state association
2 32 of counties from a rural county not considered part of a
2 33 metropolitan statistical area according to the most recent
2 34 certified federal census.
2 35 e. One representative selected by the Iowa state association



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3 1 of counties from an urban county considered part of a
3 2 metropolitan statistical area according to the most recent
3 3 certified federal census.
3 4 f. One representative selected by the Iowa association of
3 5 regional councils, as organized by the councils of governments
3 6 established under chapter 28H.
3 7 g. One representative from the state university of Iowa
3 8 selected by the university president.
3 9 h. One representative from the Iowa state university of
3 10 science and technology selected by the university president.
3 11 i. One representative from the university of northern Iowa
3 12 selected by the university president.
3 13 j. The directors or administrators or their representatives
3 14 from the following departments or divisions:
3 15 (1) Department of agriculture and land stewardship.
3 16 (2) Department of cultural affairs.
3 17 (3) Department of economic development.
3 18 (4) Department of management.
3 19 (5) Department of natural resources.
3 20 (6) Department of transportation.
3 21 (7) Homeland security and emergency management division of
3 22 the department of public defense.
3 23 k. Five representatives appointed by the governor.
3 24 2. The appointments made by the Iowa league of cities, Iowa
3 25 state association of counties, Iowa association of regional
3 26 councils, and governor shall be coordinated so that appointees
3 27 are appointed to three-year staggered terms and there is broad
3 28 geographic representation from around the state.
3 29 3. The council shall meet annually in May for the purpose of
3 30 electing one of its members as chairperson.
3 31 Sec. 3. NEW SECTION. 15.223 Duties of the coordinating
3 32 council.
3 33 The coordinating council shall do all of the following:
3 34 1. Establish priorities for the office of planning and
3 35 geographic information systems.



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Senate File 28 - Introduced continued

4 1 2. Make investment decisions relating to state funding
4 2 support for the office and for local smart plan development and
4 3 implementation.
4 4 3. Establish criteria for implementation of a statewide
4 5 geographic information system.
4 6 4. Establish technical advisory committees as necessary.
4 7 5. Review and qualify regional smart plans.
4 8 Sec. 4. NEW SECTION. 15.224 Local planning grant program
4 9 ===== appropriation.
4 10 1. The office of planning and geographic information
4 11 systems shall establish and administer a local planning grant
4 12 program to assist cities and counties in the development and
4 13 updating of local comprehensive plans. The grant program shall
4 14 require a local match of funding provided by the program.
4 15 2. Plans funded through this grant program shall
4 16 incorporate and be based upon the Iowa smart planning
4 17 principles set out in section 18B.1 and follow local
4 18 comprehensive planning and development guidelines as specified
4 19 in section 18B.2.
4 20 3. No more than one-half of the funds may be used to support
4 21 development of detailed implementation plans within five years
4 22 of adoption of a local comprehensive plan that incorporates the
4 23 smart planning principles and follows state guidance found in
4 24 sections 18B.1 and 18B.2.
4 25 4. The office shall encourage the development and updating
4 26 of multijurisdictional plans.
4 27 5. Commencing with the fiscal year beginning July 1, 2011,
4 28 there is annually appropriated from the general fund of the
4 29 state to the office five hundred thousand dollars for the
4 30 operation of this grant program.
4 31 Sec. 5. NEW SECTION. 15.225 Smart planning education
4 32 program.
4 33 1. A fund is established under the control of the office
4 34 of planning and geographic information systems to support the
4 35 development of a program to make smart planning educational



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5 1 materials, workshops, and other necessary activities available
5 2 to professional planners, elected officials, and other
5 3 interested persons. The program shall be developed through
5 4 collaboration among the office, the Iowa league of cities, the
5 5 Iowa state association of counties, the Iowa association of
5 6 regional councils, and the three regents universities.
5 7 2. Programming shall focus on the benefits of smart planning
5 8 for cities, counties, and regional planning organizations, and
5 9 the components of smart planning in terms of plan elements and
5 10 plan implementation.
5 11 3. Programming shall reflect the Iowa smart planning
5 12 principles set out in section 18B.1.
5 13 4. The office shall develop and gather information and
5 14 examples which delineate the smart planning process and smart
5 15 planning principles. The office shall administer, gather, and
5 16 make accessible all of the following types of materials:
5 17 a. Model plans, ordinances, zoning codes, energy codes,
5 18 building codes, and permitting mechanisms.
5 19 b. Model regulatory mechanisms.
5 20 c. Examples of best practices and lessons learned from poor
5 21 planning and development decisions.
5 22 d. A clearinghouse of grant opportunities and contact
5 23 information for further assistance.
5 24 e. A menu of low-cost planning services available to cities,
5 25 counties, and regional planning organizations through nonprofit
5 26 and private organizations.
5 27 Sec. 6. Section 28H.1, Code 2011, is amended by adding the
5 28 following new unnumbered paragraphs:
5 29 NEW UNNUMBERED PARAGRAPH A regional planning and
5 30 implementation entity shall be established or identified to
5 31 incorporate Boone, Dallas, Jasper, Marion, Polk, Story, and
5 32 Warren counties by January 1, 2015.
5 33 NEW UNNUMBERED PARAGRAPH There is annually appropriated
5 34 seven hundred twenty thousand dollars from the state general
5 35 fund to the department of economic development for the support



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6 1 of regional planning administration, including local plan
6 2 review and regional plan development, commencing with the
6 3 fiscal year beginning July 1, 2011. These funds shall be
6 4 distributed to each region in the amount of forty thousand
6 5 dollars per region, and forty thousand dollars shall be
6 6 distributed to the regional planning and implementation entity
6 7 serving Boone, Dallas, Jasper, Marion, Polk, Story, and Warren
6 8 counties once such an entity is identified.

6 9 Sec. 7. Section 28H.3, Code 2011, is amended by adding the
6 10 following new subsections:

6 11 NEW SUBSECTION. 5. Prepare a regional comprehensive plan
6 12 which shall be updated every five years. The plan shall be
6 13 subject to the review and approval of the office of planning
6 14 and geographic information systems created in section 18C.1,
6 15 and shall do all of the following:

6 16 a. Integrate the Iowa smart planning principles set out in
6 17 and follow the local comprehensive planning guidance provided
6 18 under section 18B.1.

6 19 b. Integrate the watershed goals and strategies, developed
6 20 by the department of natural resources set out in section
6 21 466B.33, for any overlaying river basin or river region.

6 22 c. Outline a process for cooperation, collaboration,
6 23 and decision making between member governments for
6 24 multijurisdictional projects and programs.

6 25 NEW SUBSECTION. 6. Establish a planning review committee.

6 26 a. A planning review committee shall consist of seven to
6 27 fifteen members. All members shall be Iowa residents. Members
6 28 may be selected to represent, but shall not be limited to, the
6 29 following groups or entities:

6 30 (1) City and county planning and zoning officials.

6 31 (2) City and county elected officials.

6 32 (3) Watershed planning entities.

6 33 (4) Real estate professionals.

6 34 (5) Developers of real property.

6 35 (6) Economic development organizations.



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7 1 (7) Environmental organizations.
7 2 b. A planning review committee shall do all of the
7 3 following:
7 4 (1) Review local comprehensive plans for consistency with
7 5 the regional comprehensive plan, and provide member governments
7 6 with nonbinding guidance on the plans.
7 7 (2) Upon request by a local government, review local
7 8 comprehensive plans for qualification as a smart plan, on
7 9 behalf of the office of planning and geographic information
7 10 systems created in section 15.221. A local comprehensive plan
7 11 shall be deemed qualified as a smart plan if the plan meets all
7 12 of the following criteria:
7 13 (a) Contains all of the comprehensive planning elements
7 14 referred to in section 18B.2, subsection 2.
7 15 (b) Addresses the prevention of, response to, and recovery
7 16 from catastrophic flooding.
7 17 (c) Considers all of the smart planning principles set out
7 18 in section 18B.1.
7 19 (3) Provides a letter of qualification to cities and
7 20 counties that are determined to have adopted a smart plan.
7 21 NEW SUBSECTION. 7. Annually measure and submit all
7 22 requested smart planning benchmark data to the office of
7 23 planning and geographic information systems.
7 24 Sec. 8. Section 466B.3, Code 2011, is amended by adding the
7 25 following new subsection:
7 26 NEW SUBSECTION. 7. Staffing of councils. The department of
7 27 natural resources shall assist in staffing the water resources
7 28 coordinating council and the watershed planning advisory
7 29 council established in section 466B.31.
7 30 Sec. 9. Section 466B.31, subsection 2, paragraph a, Code
7 31 2011, is amended by adding the following new subparagraph:
7 32 NEW SUBPARAGRAPH. (17) One member selected by the Iowa
7 33 association of regional councils, as organized by the councils
7 34 of governments established under chapter 28H.
7 35 Sec. 10. NEW SECTION. 466B.33 Watershed goals and



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8 1 strategies.

8 2 The department of natural resources, in collaboration
8 3 with the department of agriculture and land stewardship, the
8 4 United States natural resource conservation service, the Iowa
8 5 flood center, and the United States army corps of engineers,
8 6 shall create goals and strategies relating to soil and water
8 7 resources within watersheds useful to local and regional
8 8 planning efforts.

8 9 EXPLANATION

8 10 This bill relates to local and regional planning and
8 11 establishes an office of planning and geographic information
8 12 systems. The new office of planning and geographic information
8 13 systems, within the department of economic development, will be
8 14 responsible for developing the state's interest in local and
8 15 regional land use planning, and for administering a statewide
8 16 geographic information and data system. The bill assigns
8 17 duties for the office, including planning coordination and
8 18 geographic information systems and data management.

8 19 The planning coordination duties of the office include
8 20 the development and coordination of educational programming,
8 21 establishment of a repository of comprehensive plans, annual
8 22 reporting to the governor and general assembly, collaboration
8 23 with other state agencies to incorporate smart planning
8 24 principles in new and existing programming, establishment of
8 25 internal procedures, provision of support staff to the office's
8 26 coordinating council, and the provision of support staff to
8 27 the Iowa smart planning task force until the task force is
8 28 dissolved in December 2012.

8 29 The bill specifies that the duties of the office relating
8 30 to geographic information systems and data management include
8 31 the development and maintenance of a centralized geographic
8 32 information system enterprise and data distribution network,
8 33 the provision of technical assistance to local, regional, and
8 34 state users, and the creation of standards for the centralized
8 35 network.



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9 1 The bill creates four full-time equivalent positions within
9 2 the office and allocates \$450,000 annually to the department of
9 3 economic development for the operation of the office.

9 4 The bill also creates the office's coordinating council,
9 5 consisting of 21 members with members selected by the Iowa
9 6 league of cities to represent one small city, one medium-sized
9 7 city, and one large city; members selected by the Iowa
9 8 association of counties to represent one rural and one urban
9 9 county; a member selected by the Iowa association of regional
9 10 councils; members selected by the presidents of the three
9 11 regents universities; members representing the departments of
9 12 agriculture and land stewardship, cultural affairs, economic
9 13 development, management, natural resources, and transportation,
9 14 and the homeland security and emergency management division of
9 15 the department of public defense, and members appointed by the
9 16 governor. Members are appointed to serve three-year staggered
9 17 terms from all geographic regions of the state.

9 18 The bill requires that the council establish priorities
9 19 for the office, make investment decisions, establish criteria
9 20 for the implementation of a statewide geographic information
9 21 system, establish technical advisory committees, and review and
9 22 qualify regional smart comprehensive plans.

9 23 The bill establishes a local planning grant program
9 24 within the office. The program is meant to assist cities and
9 25 counties in developing or updating local comprehensive plans.
9 26 The program requires that funds be used in the creation or
9 27 updating of a smart plan. Some funds may also be used for the
9 28 administration of these plans. The bill requires the office
9 29 to encourage multijurisdictional plans. The bill makes an
9 30 award appropriation of \$500,000 from the general fund for the
9 31 operation of this program.

9 32 The bill creates a smart planning education program,
9 33 and establishes a fund to develop educational materials
9 34 for professional planners and local elected officials. The
9 35 materials must focus on the benefits of smart planning to



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10 1 communities and gather examples for dissemination. The
10 2 program, under the authority of the office, must be developed
10 3 in coordination with the Iowa league of cities, the Iowa state
10 4 association of counties, the Iowa association of regional
10 5 councils, and the three regents universities.

10 6 In relation to councils of governments, the bill requires
10 7 that Boone, Dallas, Jasper, Marion, Polk, Story, and Warren
10 8 counties be incorporated into a regional planning entity
10 9 by January 1, 2015. The bill also provides an annual
10 10 appropriation of \$720,000 to the department of economic
10 11 development from the general fund for the support of regional
10 12 planning and administration. The bill requires that these
10 13 funds be distributed to each existing region, and once
10 14 identified to the region incorporating Boone, Dallas, Jasper,
10 15 Marion, Polk, Story, and Warren counties.

10 16 The bill requires councils of governments to prepare
10 17 regional comprehensive plans, integrate smart planning
10 18 principles, integrate watershed goals and strategies, and
10 19 outline processes for cooperation between member governments.

10 20 The bill requires that councils of governments establish
10 21 planning review committees. The bill describes particular
10 22 groups that may serve on these review committees.
10 23 Representatives may include city and county planning and zoning
10 24 officials, city and county elected officials, individuals
10 25 from watershed planning entities, real estate professionals,
10 26 developers, individuals from economic development
10 27 organizations, or individuals from environmental organizations.

10 28 The bill may include a state mandate as defined in Code
10 29 section 25B.3.

10 30 The bill sets out the duties of these planning review
10 31 committees to include the review of local comprehensive plans
10 32 for consistency with the regional comprehensive plan, the
10 33 provision of nonbinding guidance upon completion of such
10 34 review, the review of local smart plans, and the provision of
10 35 letters of qualification to cities and counties determined to



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11 1 have adopted a smart plan.

11 2 The bill further requires that councils of governments
11 3 provide the office with all requested data related to smart
11 4 planning benchmarks.

11 5 The bill requires that the department of natural resources
11 6 staff both the water resources coordinating council and the
11 7 watershed planning advisory council.

11 8 The watershed planning advisory council is expanded by
11 9 one member to include a representative selected by the Iowa
11 10 association of regional councils.

11 11 The bill creates a new Code section for the establishment of
11 12 watershed goals and strategies, requiring that the department
11 13 of natural resources in collaboration with the department of
11 14 agriculture and land stewardship, the United States natural
11 15 resource conservation service, the Iowa flood center, and
11 16 the United States army corps of engineers develop goals and
11 17 strategies for local and regional planning efforts, relating to
11 18 soil and water resources of watersheds.

LSB 1345SS (5) 84

aw/rj



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Senate File 29 - Introduced

SENATE FILE
BY ZAUN

A BILL FOR

1 An Act relating to statements of refund value on beverage
2 containers for wine.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1709XS (3) 84
tm/nh



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Senate File 29 - Introduced continued

PAG LIN

1 1 Section 1. Section 455C.5, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. The beverage container contains wine as
1 4 defined in section 123.3.

1 5 EXPLANATION

1 6 This bill provides that beverage containers containing wine
1 7 are not required to have the beverage container refund value
1 8 affixed to the container.

LSB 1709XS (3) 84

tm/nh



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Senate File 30 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act relating to the sales and use tax imposed on the
2 operation of bingo games.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1474XS (2) 84
aw/sc



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Senate File 30 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 4, paragraph b, Code
1 2 2011, is amended to read as follows:

1 3 b. The tax imposed under this subsection covers the total
1 4 amount from the operation of games of skill, games of chance,
1 5 ~~and raffles, and bingo games~~ as defined in chapter 99B, card
1 6 game tournaments conducted under section 99B.7B, and musical
1 7 devices, weighing machines, shooting galleries, billiard and
1 8 pool tables, bowling alleys, pinball machines, slot-operated
1 9 devices selling merchandise not subject to the general sales
1 10 taxes, the total amount less amounts awarded as prizes from
1 11 the operation of bingo games as defined in chapter 99B, and
1 12 on the total amount from devices or systems where prizes
1 13 are in any manner awarded to patrons and upon the receipts
1 14 from fees charged for participation in any game or other
1 15 form of amusement, and generally upon the sales price from
1 16 any source of amusement operated for profit, not specified
1 17 in this section, and upon the sales price from which tax is
1 18 not collected for tickets or admission, but tax shall not be
1 19 imposed upon any activity exempt from sales tax under section
1 20 423.3, subsection 78. Every person receiving any sales price
1 21 from the sources described in this section is subject to all
1 22 provisions of this subchapter relating to retail sales tax and
1 23 other provisions of this chapter as applicable.

1 24 EXPLANATION

1 25 This bill provides that the sales and use tax imposed on the
1 26 operation of bingo games shall be on the gross amount less the
1 27 amounts awarded as prizes. Current law imposes the tax on the
1 28 gross amount derived from the bingo games.

LSB 1474XS (2) 84

aw/sc



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Senate File 31 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act increasing the amount of the earned income tax credit
2 and including retroactive applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1478XS (5) 84
tw/sc



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Senate File 31 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12B, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. The taxes imposed under this division less the credits
1 4 allowed under section 422.12 shall be reduced by an earned
1 5 income credit equal to ~~seven~~ ten percent of the federal earned
1 6 income credit provided in section 32 of the Internal Revenue
1 7 Code. Any credit in excess of the tax liability is refundable.
1 8 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 9 retroactively to January 1, 2011, for tax years beginning on
1 10 or after that date.

1 11 EXPLANATION
1 12 This bill increases the amount of the state earned income
1 13 tax credit. Currently, the credit is equal to 7 percent of the
1 14 amount of a taxpayer's federal earned income tax credit. The
1 15 bill increases the amount of the credit to 10 percent.
1 16 The bill applies retroactively to January 1, 2011, for tax
1 17 years beginning on or after that date.

LSB 1478XS (5) 84
tw/sc



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Senate File 32 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act extending the repeal date for the prevention of
2 disabilities policy council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1491XS (2) 84
jp/nh



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Senate File 32 - Introduced continued

PAG LIN

1 1 Section 1. Section 225B.8, Code 2011, is amended to read as
1 2 follows:

1 3 225B.8 Repeal.

1 4 This chapter is repealed July 1, ~~2011~~ 2016.

1 5 EXPLANATION

1 6 This bill extends the repeal date for the prevention of
1 7 disabilities policy council in Code section 225B.8 by five
1 8 years from July 1, 2011, to July 1, 2016.

1 9 The council is established in Code chapter 225B to provide
1 10 oversight in the development and operation of a coordinated
1 11 prevention of disabilities system. It consists of 13 members,
1 12 including four legislators, and is supported by a technical
1 13 assistance committee consisting of representatives of various
1 14 state agencies and the three state universities.

LSB 1491XS (2) 84

jp/nh



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Senate File 33 - Introduced

SENATE FILE
BY JOCHUM

A BILL FOR

1 An Act providing for mediation in grandparent visitation
2 actions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1092XS (1) 84
pf/nh



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Senate File 33 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 600C.2 Mediation.
1 2 1. The district court may, on its own motion or on the
1 3 motion of any party provided notice under section 600C.1, order
1 4 the parties to participate in mediation in any proceeding
1 5 under this chapter, unless the court determines that such
1 6 mediation is not in the best interest of the child. Mediation
1 7 performed under this section shall comply with the provisions
1 8 of chapter 679C. The supreme court shall prescribe rules for
1 9 such mediation.
1 10 2. Mediation under this section shall comply with all of the
1 11 following standards:
1 12 a. Participation in mediation shall include attendance
1 13 at a mediation session with the mediator and the parties
1 14 to the action, listening to the mediator's explanation of
1 15 the mediation process, presentation of one party's view of
1 16 the case, and listening to the response of the other party.
1 17 Participation in mediation does not require that the parties
1 18 reach an agreement.
1 19 b. The parties may choose the mediator, or the court shall
1 20 appoint a mediator. A court-appointed mediator shall meet the
1 21 qualifications established by the supreme court.
1 22 c. Parties to the mediation have the right to advice and
1 23 presence of counsel at all times.
1 24 d. The parties to the mediation shall present any agreement
1 25 reached through the mediation to their attorneys, if any.
1 26 A mediation agreement reached by the parties shall not be
1 27 enforceable until approved by the court.
1 28 e. The costs of mediation shall be borne by the parties,
1 29 as agreed to by the parties, or as ordered by the court, and
1 30 may be taxed as court costs. Mediation shall be provided on a
1 31 sliding fee scale for parties who are determined to be indigent
1 32 pursuant to section 815.9.
1 33 3. The supreme court shall prescribe qualifications for
1 34 mediators under this section. The qualifications shall include
1 35 but are not limited to the ethical standards to be observed by



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2 1 mediators. The qualifications shall not include a requirement
2 2 that the mediator be licensed to practice any particular
2 3 profession.

2 4 EXPLANATION

2 5 This bill provides for mediation for parties to an action
2 6 regarding grandparent or great-grandparent visitation. The
2 7 bill provides that the district court may, on its own motion or
2 8 on the motion of any party, order the parties to participate
2 9 in mediation in a proceeding, unless the court determines
2 10 that such mediation is not in the best interest of the child.
2 11 Mediation performed under the bill must comply with the
2 12 provisions of Code chapter 679C (mediation). The supreme
2 13 court is directed to prescribe rules for the mediation, and
2 14 the bill specifies standards with which mediation provided
2 15 under the bill must comply including participation in the
2 16 mediation; the selection of a mediator; the rights of the
2 17 parties to the advice and presence of counsel at all times;
2 18 the presentation of any agreement and the enforceability of a
2 19 mediation agreement; the costs of mediation; and qualifications
2 20 for mediators.

LSB 1092XS (1) 84

pf/nh



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Senate File 34 - Introduced

SENATE FILE
BY BEALL

A BILL FOR

1 An Act relating to required mediation as part of a custody
2 order.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1685XS (2) 84
pf/nh



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Senate File 34 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.41, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 7A. a. Any order awarding joint custody
1 4 of a child may require the parents to participate in mediation
1 5 subsequent to the granting of the award, at the request of
1 6 either party, or if the court determines that participation by
1 7 the parents in mediation is in the best interest of the child.
1 8 b. The court shall not require participation in mediation if
1 9 the court determines that a history of domestic abuse exists as
1 10 specified in subsection 3, paragraph "j", or unless the court
1 11 determines that direct physical harm or significant emotional
1 12 harm to the child, other children, or a parent is likely to
1 13 result.
1 14 c. Mediation performed under this subsection shall comply
1 15 with the provisions of chapter 679C.
1 16 d. The costs of mediation shall be borne by the parties, as
1 17 agreed to by the parties, or as ordered by the court, and may be
1 18 taxed as court costs. Mediation shall be provided on a sliding
1 19 scale for parties who are determined to be indigent pursuant
1 20 to section 815.9.

1 21 EXPLANATION

1 22 This bill provides that in any order awarding joint custody
1 23 of a child, the court may require the parents to participate in
1 24 mediation subsequent to the granting of the order, if either
1 25 parent so requests or if the court determines that it is in
1 26 the best interest of the child. Participation is not to be
1 27 required if a history of domestic abuse exists, or if the court
1 28 determines that direct physical harm or significant emotional
1 29 harm to the child, other children, or a parent is likely to
1 30 result. Mediation is to comply with the provisions of Code
1 31 chapter 679C (Mediation) and the costs of mediation are to be
1 32 borne by the parties as agreed to by the parties, or as ordered
1 33 by the court. Mediation is to be provided on a sliding fee
1 34 schedule for those determined to be indigent.

LSB 1685XS (2) 84

pf/nh



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Senate File 35 - Introduced

SENATE FILE
BY SORENSON and SODDERS

A BILL FOR

1 An Act adding certain synthetic cannabinoids to the list of
2 schedule I controlled substances, providing penalties, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1554XS (3) 84
jm/nh



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Senate File 35 - Introduced continued

PAG LIN

1 1 Section 1. Section 124.204, subsection 4, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. ai. Any substance, compound, mixture,
1 4 or preparation which contains any quantity of any synthetic
1 5 cannabinoid that is not approved as a pharmaceutical, including
1 6 but not limited to the following:
1 7 (1) CP 47, 497 and homologues 2=[(IR, 3S)=3=
1 8 hydroxycyclohexyl]=5=(2=methyloctan=2=yl)phenol) .
1 9 (2) HU=210[(6aR,10aR)=9=(hydroxymethyl)=6,6=dimethyl=3=
1 10 (2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
1 11 chromen=1=ol)].
1 12 (3) HU=211(dexanabinol, (6aS,10aS)=9=(hydroxymethyl)=6,6=
1 13 dimethyl=3=(2=methyloctan=2=yl)=6a,7,10,10a=tetrahydrobenzo[c]
1 14 chromen=1=ol).
1 15 (4) JWH=018 1=Pentyl=3=(1=naphthoy)indole.
1 16 (5) JWH=073 1=Butyl=3=(1=naphthoy)indole.
1 17 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 18 immediate importance, takes effect upon enactment.

1 19 EXPLANATION

1 20 This bill adds certain synthetic cannabinoids to the list of
1 21 schedule I controlled substances.
1 22 The bill adds certain synthetic cannabinoids, also known
1 23 as "K2", to the list of schedule I controlled substances in
1 24 addition to the tetrahydrocannabinols and synthetic equivalents
1 25 listed in schedule I under Code section 124.204(4)(u).
1 26 A schedule I controlled substance is considered to have a
1 27 high potential for abuse and no medical purpose in treatment in
1 28 the United States.
1 29 The bill makes it a class "C" felony pursuant to Code section
1 30 124.401, subsection 1, paragraph "c", subparagraph (8), for any
1 31 unauthorized person to manufacture, deliver, or possess with
1 32 the intent to manufacture or deliver, a synthetic cannabinoid,
1 33 including its counterfeit or a simulated form, or to act with,
1 34 enter into a common scheme or design with, or conspire with one
1 35 or more other persons to manufacture, deliver, or possess with



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2 1 the intent to manufacture or deliver a synthetic cannabinoid.
2 2 The bill also makes it a serious misdemeanor pursuant to Code
2 3 section 124.401, subsection 5, for any unauthorized person to
2 4 possess a synthetic cannabinoid.
2 5 A class "C" felony is punishable by confinement for no more
2 6 than 10 years and a fine of at least \$1,000 but not more than
2 7 \$10,000. A serious misdemeanor is punishable by confinement
2 8 for no more than one year and a fine of at least \$315 but not
2 9 more than \$1,875.
2 10 The bill takes effect upon enactment.

LSB 1554XS (3) 84

jm/nh



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Senate Study Bill 1016

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH/BOARD
OF PHARMACY BILL)

A BILL FOR

1 An Act revising the controlled substances schedules, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1274DP (8) 84
jm/nh



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1 1 Section 1. Section 124.204, subsection 4, paragraph m, Code
1 2 2011, is amended by striking the paragraph.

1 3 Sec. 2. Section 124.204, subsection 4, paragraph u,
1 4 unnumbered paragraph 1, Code 2011, is amended to read as
1 5 follows:

1 6 Tetrahydrocannabinols, ~~except as otherwise provided~~
~~1 7 by rules of the board for medicinal purposes,~~ meaning
1 8 tetrahydrocannabinols naturally contained in a plant of
1 9 the genus Cannabis (Cannabis plant) as well as synthetic
1 10 equivalents of the substances contained in the Cannabis plant,
1 11 or in the resinous extractives of such plant, and synthetic
1 12 substances, derivatives, and their isomers with similar
1 13 chemical structure and pharmacological activity to those
1 14 substances contained in the plant, such as the following:

1 15 Sec. 3. Section 124.204, subsection 4, Code 2011, is amended
1 16 by adding the following new paragraph:

1 17 NEW PARAGRAPH. ai. 5-methoxy-N,N-dimethyltryptamine.

1 18 Some trade or other names:

1 19 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO=DMT.

1 20 Sec. 4. Section 124.204, subsection 7, Code 2011, is amended
1 21 by striking the subsection.

1 22 Sec. 5. Section 124.204, subsection 9, Code 2011, is amended
1 23 to read as follows:

1 24 9. Other materials. Any material, compound, mixture,
1 25 or preparation which contains any quantity of the following
1 26 substances:

1 27 a. ~~N-[1-benzyl-4-piperidyl]-N-phenylpropanamide~~
~~1 28 (benzylfentanyl), its optical isomers, salts and salts of~~
~~1 29 isomers.~~

1 30 b. ~~N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide~~
~~1 31 (thienylfentanyl), its optical isomers, salts and salts of~~
~~1 32 isomers.~~

1 33 a. 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-
1 34 phenol. Other names: CP=47,497.

1 35 b. 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-



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2 1 phenol. Other names: cannabicyclohexanol and
 2 2 CP=47,497 C8 homologue.
 2 3 c. 1=Butyl=3=(1=naphthoyl)indole. Other names: JWH=073.
 2 4 d. 1=[2=(4=Morpholinyl)ethyl]=3=(1=naphthoyl)indole. Other
 2 5 names: JWH=200.
 2 6 e. 1=Pentyl=3=(1=naphthoyl)indole. Other names: JWH=018
 2 7 and AM678.
 2 8 Sec. 6. Section 124.206, subsection 6, Code 2011, is amended
 2 9 by adding the following new paragraph:
 2 10 NEW PARAGRAPH. c. Immediate precursor to fentanyl:
 2 11 4=anilino=N=phenethyl=4=piperidine (ANPP).
 2 12 Sec. 7. Section 124.206, subsection 7, paragraph a, Code
 2 13 2011, is amended to read as follows:
 2 14 a. ~~Marijuana when used for medicinal purposes pursuant to~~
 2 15 ~~rules of the board.~~
 2 16 Sec. 8. Section 124.208, subsection 6, Code 2011, is amended
 2 17 by adding the following new paragraphs:
 2 18 NEW PARAGRAPH. bh. Boldione
 2 19 (androsta=1,4=diene=3,17=dione).
 2 20 NEW PARAGRAPH. bi. Desoxymethyltestosterone
 2 21 (17[alpha]=methyl=5[alpha]=androst=2=en=17[beta]=ol);
 2 22 also known as madol.
 2 23 NEW PARAGRAPH. bj. 19=nor=4,9(10)=androstadienedione
 2 24 (estra=4,9(10)=diene=3,17=dione).
 2 25 EXPLANATION
 2 26 This bill revises the lists of drugs on the controlled
 2 27 substances schedules, and provides penalties.
 2 28 The bill removes marijuana from schedule I and reclassifies
 2 29 it as a schedule II controlled substance. The bill also
 2 30 strikes references to the authority of the board of pharmacy to
 2 31 adopt rules for the use of marijuana or tetrahydrocannabinols
 2 32 for medicinal purposes. A schedule I controlled substance is a
 2 33 highly addictive substance that has no accepted medical use in
 2 34 the United States and a scheduled II controlled substance is a
 2 35 highly addictive substance that has an accepted medical use in



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3 1 the United States.
3 2 The reclassification of marijuana from a schedule I
3 3 controlled substance to a schedule II controlled substance
3 4 permits a physician to issue a prescription for marijuana.
3 5 The bill also revises the lists of drugs in the controlled
3 6 substance schedules to conform with action undertaken by
3 7 the federal drug enforcement administration. The bill
3 8 classifies five synthetic cannabinoids, more commonly known
3 9 as "K2", as schedule I controlled substances. The bill
3 10 adds a drug commonly referred to as 5=MeO=DMT to the list
3 11 of schedule I controlled substances as well. The bill also
3 12 removes benzylfentanyl and thenylfentanyl from the schedule
3 13 I classification. The bill classifies the substance ANPP, a
3 14 precursor substance to the controlled substance fentanyl, as a
3 15 schedule II controlled substance. The bill classifies three
3 16 anabolic steroids as schedule III controlled substances. A
3 17 controlled substance classified as a schedule III substance is
3 18 a substance that has potential for abuse which is less than
3 19 schedule I and II substances but has an accepted medical use in
3 20 the United States.
3 21 It is a class "C" felony pursuant to Code section 124.401,
3 22 subsection 1, paragraph "c", subparagraph (8), for any
3 23 unauthorized person to violate a provision of Code section
3 24 124.401 involving a classified substance placed on schedule
3 25 I, II, or III pursuant to the bill. The penalties remain
3 26 unchanged for marijuana under the bill. The penalties under
3 27 Code section 124.401 range from a class "B" felony punishable
3 28 by up to 50 years of confinement to a serious misdemeanor
3 29 punishable by up to six months of confinement depending on the
3 30 amount of marijuana involved in the offense.

LSB 1274DP (8) 84

jm/nh



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Senate Study Bill 1017

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH/BOARD
OF PHARMACY BILL)

A BILL FOR

1 An Act relating to fees to fund programs to aid impaired
2 pharmacists, pharmacist=interns, and pharmacy technicians.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1290DP (3) 84
jr/nh



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Senate Study Bill 1017 continued

PAG LIN

1 1 Section 1. Section 155A.39, subsection 8, Code 2011, is
1 2 amended to read as follows:

1 3 8. The board may add a surcharge of not more than ~~ten~~
~~1 4~~ fifteen percent of the applicable fee to a pharmacist license
1 5 fee, pharmacist license renewal fee, pharmacist=intern
1 6 registration fee, pharmacy technician registration fee, or
1 7 pharmacy technician registration renewal fee authorized under
1 8 this chapter to fund programs to aid impaired pharmacists,
1 9 pharmacist=interns, or pharmacy technicians.

1 10 EXPLANATION

1 11 This bill relates to the program established to aid impaired
1 12 pharmacists, pharmacist interns, and pharmacy technicians.

1 13 The bill authorizes the board of pharmacy to increase
1 14 the percentage surcharge that may be imposed on license
1 15 and registration fees paid by the licensees and registrants
1 16 eligible for assistance under the impaired pharmacy
1 17 professionals and technicians program. The program provides
1 18 assistance to pharmacists, pharmacist interns, and pharmacy
1 19 technicians who may be physically or mentally impaired.

LSB 1290DP (3) 84

jr/nh



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Senate Study Bill 1018

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH/BOARD
OF PHARMACY BILL)

A BILL FOR

1 An Act relating to the Iowa prescription monitoring program and
2 including an effective date provision.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1292DP (3) 84
jr/nh



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PAG LIN

1 1 Section 1. Section 124.553, subsection 1, paragraph a, Code
1 2 2011, is amended to read as follows:

1 3 a. (1) A pharmacist or prescribing practitioner who
1 4 requests the information and certifies in a form specified
1 5 by the board that it is for the purpose of providing medical
1 6 or pharmaceutical care to a patient of the pharmacist or
1 7 prescribing practitioner. ~~Neither a~~ A pharmacist ~~nor~~ or a
1 8 prescribing practitioner may delegate program information
1 9 access to another authorized individual or agent only if that
1 10 individual or agent registers for program information access,
1 11 pursuant to board rules, as an agent of the pharmacist or
1 12 prescribing practitioner. Board rules shall identify the
1 13 qualifications for a pharmacist's or prescribing practitioner's
1 14 agent and shall limit the number of agents to whom each
1 15 pharmacist or prescribing practitioner may delegate program
1 16 information access.

1 17 (2) Notwithstanding subparagraph (1), a prescribing
1 18 practitioner may delegate program information access to another
1 19 licensed health care professional ~~only~~ in emergency situations
1 20 where the patient would be placed in greater jeopardy if the
1 21 prescribing practitioner was required to access the information
1 22 personally.

1 23 Sec. 2. Section 124.558, subsection 1, Code 2011, is amended
1 24 to read as follows:

1 25 1. Failure to comply with requirements. A pharmacist,
1 26 pharmacy, ~~or~~ prescribing practitioner, or agent of a pharmacist
1 27 or prescribing practitioner who knowingly fails to comply
1 28 with the confidentiality requirements of this division
1 29 or who delegates program information access to another
1 30 individual except as provided in section 124.553, is subject to
1 31 disciplinary action by the appropriate professional licensing
1 32 board. A pharmacist or pharmacy that knowingly fails to
1 33 comply with other requirements of this division is subject to
1 34 disciplinary action by the board. Each licensing board may
1 35 adopt rules in accordance with chapter 17A to implement the



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Senate Study Bill 1019

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act authorizing and regulating savings promotion raffles,
2 and granting licensing authority to the department of
3 inspections and appeals.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1610XC (2) 84
aw/nh



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PAG LIN

1 1 Section 1. Section 99B.1, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 14A. "Financial institution" means a state
1 4 or federally chartered credit union as defined in section
1 5 533.102 or a state or federally chartered bank as defined in
1 6 section 524.103, which is located within the state of Iowa.

1 7 Sec. 2. Section 99B.1, subsection 26, Code 2011, is amended
1 8 to read as follows:

1 9 26. "Raffle" means a lottery in which each participant buys
1 10 a ticket for a chance at a prize with the winner determined by
1 11 a random method and the winner is not required to be present to
1 12 win. "Raffle" does not include a slot machine. "Raffle" does
1 13 not include a savings promotion raffle.

1 14 Sec. 3. Section 99B.1, Code 2011, is amended by adding the
1 15 following new subsection:

1 16 NEW SUBSECTION. 26A. "Savings promotion raffle" means
1 17 a drawing conducted by a financial institution, or a group
1 18 of financial institutions, in which a chance of winning a
1 19 designated prize or prizes is obtained by the deposit of a
1 20 specified amount of money in a savings account, time deposit,
1 21 or other savings program offered through that financial
1 22 institution or group of financial institutions.

1 23 Sec. 4. Section 99B.7, subsection 1, unnumbered paragraph
1 24 1, Code 2011, is amended to read as follows:

1 25 Except as otherwise provided in section 99B.7C or 99B.8,
1 26 games of skill, games of chance, and raffles lawfully may be
1 27 conducted at a specified location meeting the requirements of
1 28 subsection 2 of this section, but only if all of the following
1 29 are complied with:

1 30 Sec. 5. NEW SECTION. 99B.7C Savings promotion raffles.

1 31 1. For the purposes of this section, a "participant" is a
1 32 person who is at least eighteen years of age and who has opened
1 33 a savings promotion raffle account at a financial institution.

1 34 2. A savings promotion raffle may lawfully be conducted by a
1 35 financial institution or group of financial institutions if all



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- 2 1 of the following conditions are met:
- 2 2 a. The financial institution conducting the savings
2 3 promotion raffle has been issued a license from the department
2 4 and prominently displays that license during raffle drawings.
- 2 5 b. The savings promotion raffle conducted includes the
2 6 distribution of the financial institution's savings promotion
2 7 raffle rules to all participants in the savings promotion
2 8 raffle.
- 2 9 c. The savings promotion raffle is open to all participants
2 10 as provided in the rules established for the savings promotion
2 11 raffle by the financial institution conducting the savings
2 12 promotion raffle. Savings promotion raffles shall not be open
2 13 to members of the public who are not participants pursuant
2 14 to the savings promotion raffle rules of the financial
2 15 institution.
- 2 16 d. The financial institution offering the savings promotion
2 17 raffle maintains records regarding its savings promotion raffle
2 18 and the number of participants.
- 2 19 e. The savings promotion raffle is conducted in a fair and
2 20 honest manner. The financial institution shall not conduct
2 21 a savings promotion raffle in a manner that jeopardizes the
2 22 financial institution's safety and financial soundness or
2 23 misleads its participants.
- 2 24 3. A financial institution shall provide an annual report
2 25 to the department for each year in which a savings promotion
2 26 raffle was held. This report shall include the number of
2 27 savings promotion raffles held during the year, when the
2 28 savings promotion raffles were held, the description and value
2 29 of the prize or prizes offered, the names and addresses of
2 30 participants who won prizes, a copy of the savings promotion
2 31 raffle rules, and the names and addresses of two witnesses to
2 32 the raffle drawing. If multiple financial institutions combine
2 33 efforts for one or more collective savings promotion raffles
2 34 between participants, they may file a joint annual report.
- 2 35 4. A financial institution wishing to conduct one or more



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3 1 savings promotion raffles pursuant to this section shall submit
3 2 an application and annual license fee of one hundred dollars to
3 3 the department. The department shall develop an application
3 4 form requiring the contact information for the financial
3 5 institution or group of financial institutions conducting the
3 6 savings promotion raffle and a copy of the savings promotion
3 7 raffle rules from the financial institution. If multiple
3 8 financial institutions combine efforts for one or more joint
3 9 savings promotion raffles between their participants, each
3 10 financial institution shall complete an application and shall
3 11 jointly submit the applications and an annual license fee of
3 12 one hundred dollars.

3 13 5. Prizes awarded in a savings promotion raffle may be in
3 14 cash or any other form of property and, subject to the other
3 15 provisions of this section, shall not be subject to limits on
3 16 dollar amount, value, or quantity.

3 17 6. A financial institution or group of financial
3 18 institutions may compensate employees of the financial
3 19 institution, or may hire a third-party operator, to conduct a
3 20 savings promotion raffle.

3 21 Sec. 6. Section 99B.9, subsection 1, unnumbered paragraph
3 22 1, Code 2011, is amended to read as follows:

3 23 Except as otherwise permitted by section 99B.3, 99B.5,
3 24 99B.6, 99B.7, 99B.7B, 99B.7C, 99B.8, 99B.11, or 99B.12A,
3 25 it is unlawful to permit gambling on any premises owned,
3 26 leased, rented, or otherwise occupied by a person other than a
3 27 government, governmental agency, or governmental subdivision,
3 28 unless all of the following are complied with:

3 29 EXPLANATION

3 30 This bill allows a financial institution or multiple
3 31 financial institutions to be licensed by the department of
3 32 inspections and appeals to conduct savings promotions raffles.
3 33 The bill sets an annual license fee for individual financial
3 34 institutions and for a joint applicant license at \$100.

3 35 The bill requires that a participant deposit a stated amount



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4 1 of money into specified types of savings accounts in order to
4 2 participate in the raffle. A savings promotion raffle may
4 3 only be conducted by a financial institution, which includes
4 4 state or federally chartered credit unions and banks. The bill
4 5 provides that a savings promotion raffle is not a raffle which
4 6 is otherwise regulated by the department.

4 7 The bill requires that participants in a savings promotion
4 8 raffle be at least 18 years of age and have opened a savings
4 9 promotion raffle account with the licensed financial
4 10 institution.

4 11 The bill requires a financial institution engaging in a
4 12 savings promotion raffle to have received a savings promotion
4 13 raffle license from the department of inspections and
4 14 appeals, and requires that the institution display the license
4 15 prominently during the raffle drawing. The bill requires
4 16 the licensed financial institution to distribute the rules
4 17 of the raffle to all savings promotion raffle participants,
4 18 and specifies that savings promotion raffles are not open to
4 19 members of the public who are not participants as provided in
4 20 the rules provided by the financial institution.

4 21 The bill requires that licensed financial institutions
4 22 conduct the raffles fairly and honestly, not mislead
4 23 participants, and that the raffles not jeopardize the
4 24 institution's financial soundness. The bill also requires
4 25 that licensed financial institutions maintain records of the
4 26 raffles and the number of participants, and requires that they
4 27 provide annual reports to the department. The reports must
4 28 include the number of raffles held, when the raffles were held,
4 29 the description and value of all raffle prizes, the names and
4 30 addresses of winning participants, a copy of the financial
4 31 institution's rules, and the names and addresses of two persons
4 32 who observed the raffle drawing. The bill allows for multiple
4 33 institutions participating in one raffle to submit a joint
4 34 annual report.

4 35 The bill provides that prizes awarded for savings promotions



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5 1 raffles may be in cash or any form of property without limit on
5 2 dollar amount, value, or quantity. The bill allows financial
5 3 institutions to compensate employees or hire a third=party to
5 4 conduct the raffles.

LSB 1610XC (2) 84

aw/nh



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Senate Study Bill 1020

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/COLLEGE
STUDENT AID COMMISSION
BILL)

A BILL FOR

1 An Act relating to the registration of certain postsecondary
2 schools by the college student aid commission, making an
3 appropriation, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1204DP (13) 84
kh/sc



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1 1 Section 1. Section 261B.2, subsections 2 and 3, Code 2011,
 1 2 are amended to read as follows:
 1 3 2. "Degree" means a postsecondary credential conferring
 1 4 on the recipient the title of associate, bachelor, master,
 1 5 or doctor, or an equivalent title, ~~signifying educational~~
~~1 6 attainment based on any one or a combination of study or the~~
~~1 7 equivalent experience or achievement testing. A postsecondary~~
~~1 8 degree under this chapter shall not include an honorary degree~~
~~1 9 or other unearned degree.~~
 1 10 3. "Presence" means ~~maintaining an address within Iowa~~
 1 11 a physical location in Iowa from which a school offers any
 1 12 portion of a course of instruction in person or by distance
 1 13 education or correspondence study, or conducts advertising,
 1 14 recruiting, enrollment, program coordination, administration,
 1 15 or any other activity related to the school's operations.
 1 16 Sec. 2. Section 261B.2, Code 2011, is amended by adding the
 1 17 following new subsections:
 1 18 NEW SUBSECTION. 2A. "Offered in this state" means the
 1 19 school offers any portion of a course of instruction at a
 1 20 physical location in this state.
 1 21 NEW SUBSECTION. 2B. "Postsecondary credential" means
 1 22 a degree, diploma, or certificate signifying postsecondary
 1 23 educational attainment following completion of a postsecondary
 1 24 instructional program. A postsecondary credential conferred
 1 25 under this chapter shall not include an honorary credential or
 1 26 other unearned credential. A postsecondary credential under
 1 27 this chapter does not mean a certificate of completion of a
 1 28 course of instruction.
 1 29 Sec. 3. Section 261B.2, subsection 4, paragraph b, Code
 1 30 2011, is amended to read as follows:
 1 31 b. Provides a postsecondary instructional program ~~or course~~
~~1 32 leading to a degree postsecondary credential.~~
 1 33 Sec. 4. Section 261B.3, Code 2011, is amended to read as
 1 34 follows:
 1 35 261B.3 Registration.



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2 1 1. Except as provided in section 261B.11, a school ~~that~~
~~2 2 shall register with the commission if the school maintains or~~
2 3 conducts one or more courses of instruction offered in this
2 4 state, including courses of instruction by correspondence or
2 5 other distance delivery method, offered in this state or which
~~2 6 if the school has a presence in this state and offers courses~~
2 7 in this state or in other states or foreign countries shall
~~2 8 register with the commission.~~
2 9 a. Registrations shall be renewed every four years or
2 10 upon any substantive change in location, program offerings,
2 11 or accreditation. A school makes a substantive change in a
2 12 program offering when the school proposes to offer or modify
2 13 a program that requires the approval of the state board of
2 14 education or any other state agency authorized to approve the
2 15 school or its program in this state.
2 16 b. Registration shall be made on application forms approved
2 17 and ~~supplied~~ made available by the commission and at the time
2 18 and in the manner prescribed by the commission. Upon receipt
2 19 of a complete and accurate registration application, the
2 20 commission shall issue an acknowledgment of document filed and
2 21 send it to the school.
2 22 2. The commission may ~~request~~ require a school to provide
2 23 additional information as the commission deems necessary
2 24 to enable the commission to determine the accuracy and
~~2 25 completeness of the information contained in the evaluate a~~
2 26 school's registration application.
2 27 3. If the commission believes that false, misleading,
2 28 or incomplete information has been submitted in connection
2 29 with an application for registration, the commission may deny
2 30 registration. The commission shall conduct a hearing on the
2 31 denial if a hearing is requested by a school. The commission
2 32 may withhold an acknowledgment of document filed pending the
2 33 outcome of the hearing. Upon a finding after the hearing
2 34 that information contained in the registration application is
2 35 false, misleading, or incomplete, the commission shall deny an



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3 1 acknowledgment of document filed to the school. The commission
3 2 shall make the final decision on each registration. However,
3 3 the decision of the commission is subject to judicial review in
3 4 accordance with section 17A.19.

3 5 ~~3.~~ 4. The commission shall adopt rules under chapter 17A
3 6 for the implementation of this chapter.

3 7 Sec. 5. Section 261B.3A, Code 2011, is amended to read as
3 8 follows:

3 9 261B.3A Requirements.

3 10 1. In order to register, a school shall be accredited
3 11 by an agency or organization approved or recognized by the
3 12 United States department of education or a successor agency,
3 13 be approved by any other state agency authorized to approve
3 14 the school in this state, and, subsequently, be approved for
3 15 operation by the commission.

3 16 2. A practitioner preparation program, as defined in
3 17 section 272.1, operated by a school that applies to register
3 18 the program in accordance with this chapter shall, in order to
3 19 register, be accredited by an agency or organization approved
3 20 or recognized by the United States department of education or a
3 21 successor agency, be approved by the state board of education
3 22 pursuant to section 256.7, subsection 3, and, subsequently, be
3 23 approved for operation by the commission.

3 24 3. The commission may grant a provisional registration to
3 25 a school that is not accredited by an agency or organization
3 26 that is recognized by the United States department of education
3 27 or its successor agency. The commission shall determine
3 28 the duration of the provisional registration. During the
3 29 provisional registration period, the school shall, at six-month
3 30 intervals, submit to the commission documentation of its
3 31 progress toward achieving accreditation. The commission may
3 32 renew the school's provisional registration at its discretion
3 33 based on documentation that the school is making progress
3 34 toward accreditation.

3 35 ~~3.~~ 4. Nothing in this chapter shall be construed to exempt



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4 1 a school from the requirements of chapter 490 or 491.
4 2 Sec. 6. Section 261B.4, subsections 5, 11, and 13, Code
4 3 2011, are amended to read as follows:
4 4 5. The ~~degrees~~ postsecondary credentials granted by the
4 5 school.
4 6 11. The names or titles and a description of the courses and
4 7 ~~degrees~~ postsecondary credentials to be offered.
4 8 13. The academic and instructional methodologies and
4 9 delivery systems to be used by the school and the extent to
4 10 which the school anticipates each methodology and delivery
4 11 system will be used, including, but not limited to, classroom
4 12 instruction, correspondence, electronic telecommunications,
4 13 independent study, and portfolio experience evaluation.
4 14 Sec. 7. Section 261B.7, Code 2011, is amended to read as
4 15 follows:
4 16 261B.7 Unauthorized representation.
4 17 ~~Neither a A school nor its or a school's~~ officials or
4 18 employees shall not advertise or represent that the school is
4 19 approved or accredited by the commission or the state of Iowa
4 20 ~~nor shall it use the registration as a.~~ However, a registered
4 21 school shall reference in promotional materials that the school
4 22 is registered by the commission on behalf of the state of Iowa
4 23 and provide the commission's contact information for students
4 24 who wish to register a complaint about the school.
4 25 Sec. 8. Section 261B.8, subsections 1 and 3, Code 2011, are
4 26 amended to read as follows:
4 27 1. The commission shall set by rule and collect, as
4 28 applicable, a nonrefundable application fee from each
4 29 registration applicant, and an initial registration fee, a
4 30 registration amendment fee, and a renewal of registration fee
4 31 from each registered school.
4 32 3. a. A postsecondary registration fund is created in
4 33 the state treasury under the control of the commission.
4 34 Fees collected under this section shall be deposited in the
4 35 ~~general~~ postsecondary registration fund of the state and are



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5 1 appropriated to the commission for purposes of administering
5 2 this chapter.

5 3 b. The moneys credited to the postsecondary registration
5 4 fund are not subject to section 8.33, and moneys in the fund
5 5 shall not be transferred, used, obligated, appropriated,
5 6 or otherwise encumbered except as provided by law.

5 7 Notwithstanding section 12C.7, subsection 2, interest or
5 8 earnings on moneys deposited in the postsecondary registration
5 9 fund shall be credited to the fund.

5 10 Sec. 9. Section 261B.9, subsection 5, Code 2011, is amended
5 11 to read as follows:

5 12 5. Whether the postsecondary credential ~~or certificate~~
5 13 issued, awarded, or credited to a student upon completion

5 14 of the course or the fact of completion of the course is
5 15 applicable toward a degree granted by the school and, if so,
5 16 under what circumstances the application will be made.

5 17 Sec. 10. Section 261B.11, subsections 1, 2, 4, 7, 9, and 11,
5 18 Code 2011, are amended to read as follows:

5 19 1. Schools and educational programs conducted by firms,
5 20 corporations, or persons solely for the training of their own
5 21 employees.

5 22 2. Apprentice or other training programs provided by labor
5 23 unions solely to members or applicants for membership.

5 24 4. Seminars, refresher courses, and programs of instruction
5 25 sponsored by professional, business, or farming organizations
5 26 or associations solely for the members and employees of members
5 27 of these organizations or associations.

5 28 7. Schools or courses of instruction or courses of
5 29 training that are offered by a vendor solely to the purchaser
5 30 or prospective purchaser of the vendor's product when the
5 31 objective of the school or course is to enable the purchaser
5 32 or the purchaser's employees to gain skills and knowledge to
5 33 enable the purchaser to use the product.

5 34 9. Postsecondary educational institutions licensed by the
5 35 state of Iowa under section 157.8 or 158.7 prior to July 1,



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6 1 2009, to ~~conduct business~~ operate as a school of cosmetology
6 2 arts and sciences or a barber school in the state.

6 3 11. Postsecondary educational institutions offering
6 4 ~~programs limited to nondegree~~ specialty vocational training
6 5 programs for which the school does not award a postsecondary
6 6 credential.

6 7 Sec. 11. NEW SECTION. 261B.11A Ineligibility for state
6 8 student financial aid programs.

6 9 1. Students attending schools required to register under
6 10 this chapter are ineligible for state student financial aid
6 11 programs established under chapter 261.

6 12 2. A school required to register under this chapter is
6 13 prohibited from offering state aid or advertising that state
6 14 aid is or may be available to students attending the school.

6 15 EXPLANATION

6 16 This bill modifies Code chapter 261B which regulates the
6 17 registration of postsecondary schools by the college student
6 18 aid commission. Modifications include provisions which provide
6 19 that students attending such schools are ineligible for state
6 20 student financial aid programs, authorize the commission to
6 21 require additional information from schools, establish a new
6 22 registration amendment fee, and establish a postsecondary
6 23 registration fund comprised of the registration fees collected
6 24 by the commission. The moneys in the fund are appropriated to
6 25 the commission for purposes of administering the chapter.

6 26 The bill specifies that schools that maintain or conduct one
6 27 or more courses of instruction offered in this state or which
6 28 have a presence in this state and offer courses in this state
6 29 or other states or foreign countries are required to register
6 30 with the commission. The Code chapter currently includes
6 31 exceptions for certain schools and educational programs.

6 32 Currently, registrations must be renewed every four years
6 33 and upon substantive change in location or accreditation. To
6 34 this renewal requirement, the bill adds that registrations
6 35 must also be renewed upon any substantive change in program



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7 1 offering. A substantive change in program offering is defined
7 2 as when a school proposes to offer a program that requires the
7 3 approval of the state board of education or other state agency.

7 4 The bill authorizes the commission to require additional
7 5 information from a school if the additional information is
7 6 deemed necessary in order to evaluate the school's registration
7 7 application. A registered school's promotional materials shall
7 8 reference that it is registered with the commission and shall
7 9 include the commission's contact information for students who
7 10 wish to register a complaint about the school.

7 11 The commission is also authorized to grant a provisional
7 12 registration, the duration of which is to be determined by the
7 13 commission, to a school that is not accredited by an agency or
7 14 organization recognized by the U.S. department of education.
7 15 During the provisional registration period, the school must
7 16 submit to the commission, at six-month intervals, documentation
7 17 regarding its progress toward achieving accreditation. The
7 18 commission may renew the provisional registration at its
7 19 discretion based on documentation that the school is making
7 20 progress toward accreditation.

7 21 The bill prohibits schools required to register with the
7 22 commission from offering state aid or advertising that state
7 23 aid is or may be available to students attending the school.

7 24 The bill makes changes to the Code chapter's definitions of
7 25 "degree", "presence", and "school" and adds definitions for
7 26 "offered in this state" and "postsecondary credential".

7 27 The Code currently authorizes the commission to issue a
7 28 cease and desist order to a school it believes is in violation
7 29 of Code chapter 261B and to seek judicial enforcement of the
7 30 order. Also, a violation of the Code chapter constitutes
7 31 an unlawful practice under Code section 714.16, relating to
7 32 consumer fraud.

LSB 1204DP (13) 84

kh/sc



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Senate Study Bill 1021

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/COLLEGE
STUDENT AID COMMISSION
BILL)

A BILL FOR

1 An Act relating to the powers and duties of the college
2 student aid commission in administering certain federal
3 postsecondary financial aid initiatives.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1205DP (7) 84
kh/sc



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Senate Study Bill 1021 continued

PAG LIN

1 1 Section 1. Section 261.36, Code 2011, is amended to read as
1 2 follows:
1 3 261.36 Powers and duties of commission.
1 4 1. The commission shall have necessary powers to carry out
1 5 its purposes and duties under this division, including but not
1 6 limited to the power to do the following:
1 7 ~~1.~~ a. Sue and be sued in its own name.
1 8 ~~2.~~ b. Incur and discharge debts including the payment of
1 9 any defaulted loan obligations which have been guaranteed by
1 10 the commission.
1 11 ~~3.~~ c. Make and execute agreements, contracts, and other
1 12 instruments with any public or private person or agency
1 13 including the United States secretary of education. The
1 14 commission shall also have the power to enter into any
1 15 agreements with the United States secretary of education or
1 16 other federal agency as are necessary to provide programs and
1 17 services administered pursuant to this chapter to current and
1 18 future Iowa postsecondary students, to the students' school
1 19 counselors, parents, and guardians, and to the elementary,
1 20 secondary, and postsecondary institutions the students attend.
1 21 ~~4.~~ d. Guarantee loans made by eligible lenders to eligible
1 22 borrowers who are, or whose children are, enrolled or will
1 23 be enrolled at eligible institutions as at least half-time
1 24 students as defined by the commission.
1 25 ~~5.~~ e. Approve educational institutions as eligible
1 26 institutions upon their meeting if and when the institutions
1 27 meet the requirements established by the commission.
1 28 ~~6.~~ f. Approve financial or credit institutions, insurance
1 29 companies, or other lenders as eligible lenders upon
1 30 their meeting if and when such entities meet the standards
1 31 established by the commission for making guaranteed loans.
1 32 ~~7.~~ g. Accept appropriations, gifts, grants, loans or other
1 33 aid from public or private persons or agencies including the
1 34 United States secretary of education.
1 35 ~~8.~~ h. Implement various means of encouraging maximum lender



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2 1 participation in the Iowa guaranteed loan program.
2 2 i. Administer the college access initiative authorized by 20
2 3 U.S.C. { 1092e, or its successor program.
2 4 j. Administer the gaining early awareness and readiness for
2 5 undergraduate programs initiative authorized by 20 U.S.C. {
2 6 1070a=21 through 1070a=28, or its successor program.
2 7 2. The duties of the commission under this division shall
2 8 be as follows:
2 9 a. To review the Iowa guaranteed loan program.
2 10 b. To review and make disposition of all applications for
2 11 the guarantee of student loans.
2 12 c. Collect an insurance premium of not more than the amount
2 13 authorized by the Higher Education Act of 1965. The premium
2 14 shall be collected by the lender upon the disbursement of the
2 15 loan and shall be remitted promptly to the commission.
2 16 d. To enter into any agreements with the United States
2 17 secretary of education necessary for purposes of receiving full
2 18 benefit of the state program incentives offered pursuant to the
2 19 Higher Education Act of 1965.
2 20 e. To adopt rules pursuant to chapter 17A to implement the
2 21 provisions of this division, including establishing standards
2 22 for educational institutions, lenders, and individuals to
2 23 become eligible institutions, eligible lenders, and eligible
2 24 borrowers. Notwithstanding any contrary provisions in chapter
2 25 537, the rules and standards established shall be consistent
2 26 with the requirements provided in the Higher Education Act of
2 27 1965. The commission shall expend all property and moneys
2 28 belonging to the agency operating account to execute the
2 29 commission's powers and duties under this chapter.
2 30 f. To reimburse eligible lenders for the amount authorized
2 31 by the Higher Education Act of 1965 on defaulted loans
2 32 guaranteed by the commission upon receipt of written notice
2 33 of the default accompanied by evidence that the lender has
2 34 exercised the required degree of diligence in efforts to
2 35 collect the loan.



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3 1 g. To establish an effective system for the collection of
3 2 delinquent loans, including the adoption of an agreement with
3 3 the department of administrative services to set off against
3 4 a defaulter's income tax refund or rebate the amount that is
3 5 due because of a default on a guaranteed student or parental
3 6 loan made under this division. The commission shall adopt
3 7 rules under chapter 17A necessary to assist the department of
3 8 administrative services in the implementation of the student
3 9 loan setoff program as established under section 8A.504.
3 10 The commission shall apply administrative wage garnishment
3 11 procedures authorized under the Higher Education Act of 1965
3 12 for all delinquent loans, including loans authorized under
3 13 section 261.38, when a defaulter who is financially capable of
3 14 paying fails to voluntarily enter into a reasonable payment
3 15 agreement. In no case shall the commission garnish more than
3 16 the amount authorized by federal law for all loans being
3 17 collected by the commission, including those authorized under
3 18 section 261.38.

3 19 h. To develop and provide information, forms, publications,
3 20 internet-based resources, and other educational services to
3 21 eligible lenders, postsecondary institutions, elementary
3 22 and secondary schools, students, parents, education loan
3 23 borrowers, and the general public. The commission, as it deems
3 24 necessary, shall provide applicants with information about the
3 25 past default rates of borrowers, enrollment, and placement
3 26 statistics by postsecondary institutions.

3 27 i. To develop all forms necessary to the proper
3 28 administration of the guaranteed student loan program.

3 29 j. To report annually to the governor and the general
3 30 assembly on the status of the guaranteed student loan program.

3 31 k. To implement all possible assistance to eligible
3 32 lenders for the purpose of easing the workload entailed in
3 33 participation in the guaranteed student loan program.

3 34 l. To develop and implement programs and other initiatives
3 35 or services necessary to perform duties that include but



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4 1 are not limited to postsecondary student aid outreach,
4 2 financial literacy education, career planning, postsecondary
4 3 student aid program compliance assistance and training,
4 4 postsecondary student aid program monitoring and compliance
4 5 review of eligible lenders and eligible institutions, default
4 6 prevention, default aversion, and defaulted federal student
4 7 loan collection.
4 8 m. To conduct college access initiative activities as
4 9 required by 20 U.S.C. { 1092e, including but not limited to
4 10 providing publications, programs, training, and internet-based
4 11 resources for the public relating to college planning, career
4 12 preparation, and paying for college.
4 13 n. To develop and implement all policies and procedures
4 14 necessary to the proper administration of the guaranteed
4 15 student loan program and any other program or activity related
4 16 to postsecondary financial aid that the commission administers
4 17 or conducts.
4 18 Sec. 2. Section 261.38, subsections 1 and 2, Code 2011, are
4 19 amended to read as follows:
4 20 1. The commission shall establish a loan reserve account and
4 21 an agency operating account as authorized by the ~~federal~~ Higher
4 22 Education Act of 1965. The commission shall credit to these
4 23 accounts all moneys provided for the ~~state student~~ guaranteed
4 24 loan program by the United States, the state of Iowa, or any of
4 25 their agencies, departments, or instrumentalities, as well as
4 26 any funds accruing to the program which are not required for
4 27 current administrative expenses. The commission may expend
4 28 moneys in the loan reserve and agency operating accounts as
4 29 authorized by the ~~federal~~ Higher Education Act of 1965. The
4 30 commission shall expend all property and moneys belonging to
4 31 the agency operating account to execute the commission's powers
4 32 and duties under this chapter.
4 33 2. The payment of any funds for the default on a guaranteed
4 34 student loan shall be solely from the loan reserve ~~and agency~~
4 35 ~~operating accounts~~ account. The general assembly shall not be



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5 1 obligated to appropriate any moneys to pay for any defaults or
5 2 to appropriate any moneys to be credited to the loan reserve
5 3 account. The commission shall not give or lend the credit of
5 4 the state of Iowa.

5 5 Sec. 3. Section 261.39, unnumbered paragraph 1, Code 2011,
5 6 is amended by striking the unnumbered paragraph.

5 7 Sec. 4. Section 261.41, Code 2011, is amended to read as
5 8 follows:

5 9 261.41 Account dissolved == balance to general fund.

5 10 1. The loan program and the loan reserve account established
5 11 by this division shall not be dissolved until ~~all~~ either of the
5 12 following applies:

5 13 a. All guaranteed loans have been repaid by the borrower or,
5 14 if in default, by the commission.

5 15 b. The commission is directed by the United States secretary
5 16 of education to dispose of the program and account.

5 17 2. Upon dissolution of the loan program, all the property
5 18 and moneys ~~of the program and in~~ belonging to the loan reserve
5 19 account ~~not owed to the federal government shall be transferred~~
5 20 to the state general fund are the property of the United States
5 21 secretary of education under 20 U.S.C. { 1072(a)(3)}.

5 22 Sec. 5. REPEAL. Section 261.37, Code 2011, is repealed.

5 23 EXPLANATION

5 24 This bill amends the Code division that provides for the
5 25 guaranteed loan program administered by the college student
5 26 aid commission. The bill modifies the commission's powers
5 27 and duties in response to recent changes made in the federal
5 28 government's student financial aid initiatives.

5 29 The bill authorizes the commission to enter into any
5 30 agreements with the United States secretary of education or
5 31 other federal agency that are necessary to provide education
5 32 programs and services to current and future Iowa postsecondary
5 33 students and their counselors, parents and guardians, and to
5 34 elementary, secondary, and postsecondary institutions. The
5 35 bill also specifically authorizes the commission to administer



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6 1 the college access initiative and the gaining early awareness
6 2 and readiness for undergraduate programs authorized under
6 3 federal law.

6 4 The bill requires the commission to develop and provide
6 5 information, materials, and services to eligible lenders,
6 6 postsecondary institutions, elementary and secondary schools,
6 7 students, parents, education loan borrowers, and the general
6 8 public; to develop and implement programs, initiatives and
6 9 services relating to postsecondary student aid outreach,
6 10 financial literacy education, career planning, student aid
6 11 program compliance assistance and training, program monitoring
6 12 and compliance review, default prevention, default aversion,
6 13 and defaulted federal student loan collection; and to conduct
6 14 college access initiative activities as required under federal
6 15 law.

6 16 The bill modifies and transfers the language of Code section
6 17 261.37, relating to the duties of the commission to Code
6 18 section 261.36, relating to the powers of the commission. The
6 19 bill specifies that the payment of funds for the default on a
6 20 guaranteed student loan shall be solely from the commission's
6 21 loan reserve account and eliminates the option of paying the
6 22 funds from the agency operating account.

6 23 The bill requires the commission to expend property and
6 24 moneys belonging to the agency operating account to execute the
6 25 commission's powers and duties.

6 26 Currently, the student loan program and the loan reserve
6 27 account can only be dissolved if all guaranteed loans have been
6 28 repaid by the borrower or, if in default, by the commission.
6 29 The bill adds that the program and the account may also be
6 30 dissolved if the United States secretary of education directs
6 31 the commission to dispose of the program and account. Upon
6 32 dissolution, the bill states that the property and moneys
6 33 belonging to the loan reserve account are the property of the
6 34 United States secretary of education.

LSB 1205DP (7) 84

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Senate Study Bill 1022

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/COLLEGE
STUDENT AID COMMISSION
BILL)

A BILL FOR

1 An Act relating to the duties and activities of the college
2 student aid commission regarding educational programs,
3 career planning tools, and trusts; permitting the commission
4 to authorize a nonprofit foundation; and creating an
5 educational planning grant fund.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1206XD (5) 84
kh/sc



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Senate Study Bill 1022 continued

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1 1 Section 1. Section 21.2, subsection 1, Code 2011, is amended
1 2 by adding the following new paragraph:

1 3 NEW PARAGRAPH. k. A nonprofit foundation authorized by
1 4 the college student aid commission pursuant to section 261.2,
1 5 subsection 12.

1 6 Sec. 2. Section 22.1, subsection 1, Code 2011, is amended
1 7 to read as follows:

1 8 1. The term "government body" means this state, or
1 9 any county, city, township, school corporation, political
1 10 subdivision, tax-supported district, nonprofit corporation
1 11 other than a fair conducting a fair event as provided in
1 12 chapter 174, whose facilities or indebtedness are supported
1 13 in whole or in part with property tax revenue and which is
1 14 licensed to conduct pari-mutuel wagering pursuant to chapter
1 15 99D; the governing body of a drainage or levee district as
1 16 provided in chapter 468, including a board as defined in
1 17 section 468.3, regardless of how the district is organized;
1 18 or other entity of this state, or any branch, department,
1 19 board, bureau, commission, council, committee, official, or
1 20 officer of any of the foregoing or any employee delegated
1 21 the responsibility for implementing the requirements of this
1 22 chapter. For purposes of this chapter, a nonprofit foundation
1 23 authorized by the college student aid commission pursuant to
1 24 section 261.2, subsection 12, shall be considered a government
1 25 body.

1 26 Sec. 3. Section 261.2, subsection 3, Code 2011, is amended
1 27 to read as follows:

1 28 3. a. Develop and implement, in cooperation with the
1 29 state board of regents and the department of education, an
1 30 educational program programs and marketing strategies designed
1 31 to inform students and parents about the options available
1 32 for financing planning, preparing, and paying for a college
1 33 education and the need to accumulate the financial resources
1 34 necessary to pay for a college education. The educational
1 35 program programs shall include but not be limited to



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2 1 distribution of informational material to public and nonpublic
2 2 elementary schools for distribution to parents and guardians
2 3 of five-year and six-year old children and administration of a
2 4 career planning internet-based tool.
2 5 b. Administer the educational planning grant fund.
2 6 The educational planning grant fund is created in the
2 7 state treasury as a separate fund under the control of the
2 8 commission. Moneys in the educational planning grant fund
2 9 shall be used for educational programs and marketing strategies
2 10 developed and implemented in accordance with paragraph "a".
2 11 The fund shall consist of moneys appropriated by the general
2 12 assembly and any other moneys available to and obtained
2 13 or accepted by the commission from the federal government
2 14 or private sources for placement in the fund. The moneys
2 15 credited to the fund are not subject to section 8.33, and
2 16 moneys in the fund shall not be transferred, used, obligated,
2 17 appropriated, or otherwise encumbered except as provided by
2 18 law. Notwithstanding section 12C.7, subsection 2, interest or
2 19 earnings on moneys deposited in the educational planning grant
2 20 fund shall be credited to the fund.
2 21 Sec. 4. Section 261.2, Code 2011, is amended by adding the
2 22 following new subsections:
2 23 NEW SUBSECTION. 11. Accept and administer trusts deemed by
2 24 the commission to be beneficial for Iowa students and families.
2 25 NEW SUBSECTION. 12. Authorize, at its discretion,
2 26 a nonprofit foundation acting solely for the support of
2 27 commission activities authorized or required pursuant to this
2 28 chapter. The nonprofit foundation may accept and administer
2 29 trusts, gifts, grants, and other bequests, contributions, or
2 30 donations deemed by the commission to be beneficial to Iowa
2 31 students and families. Notwithstanding section 633.63, the
2 32 commission and the nonprofit foundation may act as trustees
2 33 in such instances. The commission shall require that moneys
2 34 belonging to the nonprofit foundation be audited annually.
2 35 The foundation is not a state agency, shall not exercise any



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3 1 sovereign power of the state, and the state shall not be
3 2 liable for any of the foundation's debts. The foundation is
3 3 a governmental body solely for purposes of chapter 21 and a
3 4 government body solely for purposes of chapter 22.

3 5 EXPLANATION

3 6 This bill requires the college student aid commission
3 7 to administer a career planning internet-based tool and an
3 8 educational planning grant fund and to accept and administer
3 9 trusts, and allows the commission to authorize a nonprofit
3 10 foundation that acts solely for the support of commission
3 11 activities.

3 12 The nonprofit foundation is authorized to accept and
3 13 administer trusts, gifts, grants, and other bequests,
3 14 contributions, or donations. The commission and the nonprofit
3 15 foundation may act as trustees in those instances. Moneys
3 16 belonging to the nonprofit foundation must be audited annually.
3 17 For purposes of the open meetings law, the nonprofit foundation
3 18 is a governmental body. For purposes of the open records
3 19 law, the nonprofit foundation is a government body. The bill
3 20 provides that the foundation is not a state agency, nor shall
3 21 it exercise any sovereign power of the state, and the state
3 22 shall not be liable for any of the foundation's debts.

3 23 The educational planning grant fund is created in the state
3 24 treasury under the control of the commission. The fund must
3 25 be used for educational programs and marketing strategies
3 26 developed and implemented by the commission. The fund consists
3 27 of moneys appropriated by the general assembly and any other
3 28 moneys available to and obtained or accepted by the commission
3 29 from the federal government or private sources.

3 30 The bill requires the commission to cooperate with the
3 31 department of education in developing and implementing
3 32 educational programs and marketing strategies designed to
3 33 inform students and parents about planning, preparing, and
3 34 paying for a college education.

LSB 1206XD (5) 84

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Senate Study Bill 1023

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/COLLEGE
STUDENT AID COMMISSION
BILL)

A BILL FOR

1 An Act authorizing moneys the college student aid commission
2 may utilize for purposes of carrying out its duties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1207XD (3) 84
kh/nh



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Senate Study Bill 1023 continued

PAG LIN

1 1 Section 1. Section 261.4, Code 2011, is amended to read as
 1 2 follows:
 1 3 261.4 Funds == compensation and expenses of commission.
 1 4 1. The director of the department of administrative
 1 5 services shall keep an accounting of all funds received and
 1 6 expended by the college student aid commission.
 1 7 2. The members of the college student aid commission, except
 1 8 those members who are employees of the state, shall be paid a
 1 9 per diem as specified in section 7E.6 and shall be reimbursed
 1 10 for actual and necessary expenses. All per diem and expense
 1 11 moneys paid to nonlegislative members shall be paid from funds
 1 12 appropriated to the commission. Legislative members of the
 1 13 commission shall receive payment pursuant to section 2.10 and
 1 14 section 2.12.
 1 15 3. Up to six percent of the moneys appropriated annually
 1 16 to the college student aid commission may be utilized by the
 1 17 commission for the administration of this chapter, including
 1 18 but not limited to the administration of student financial
 1 19 aid programs for Iowa students and their families and the
 1 20 development and implementation of educational programs and
 1 21 marketing strategies designed to inform students and parents
 1 22 about the options available for planning, preparing, and
 1 23 paying for a college education and the need to accumulate the
 1 24 financial resources necessary to pay for a college education.

EXPLANATION

1 25
 1 26 This bill authorizes the college student aid commission to
 1 27 use up to 6 percent of the moneys appropriated annually by
 1 28 the General Assembly to the commission for the administration
 1 29 of Code chapter 261, including but not limited to the
 1 30 administration of student financial aid programs and for the
 1 31 development and implementation of educational programs and
 1 32 marketing strategies to inform students and parents about
 1 33 options available for planning, preparing, and paying for a
 1 34 college education.

LSB 1207XD (3) 84

kh/nh



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Senate Study Bill 1024

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF EDUCATION/COLLEGE
STUDENT AID COMMISSION
BILL)

A BILL FOR

1 An Act relating to the duties of the college student aid
2 commission and to requirements regarding certain financial
3 aid programs administered by the commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1248DP (5) 84
kh/sc



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Senate Study Bill 1024 continued

PAG LIN

1 1 Section 1. Section 261.2, Code 2011, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 11. Ensure that students receiving
1 4 state-funded scholarships and grants are attending institutions
1 5 of higher education that meet all of the following conditions:

1 6 a. The institutions are not required to register under
1 7 chapter 261B.

1 8 b. The institutions are eligible to participate in a federal
1 9 student aid program authorized under Tit. IV of the federal
1 10 Higher Education Act of 1965, as amended.

1 11 NEW SUBSECTION. 12. Require any postsecondary institution
1 12 whose students are eligible for or who receive financial
1 13 assistance under programs administered by the commission to
1 14 transmit annually to the commission information about the
1 15 numbers of minority students enrolled in and minority faculty
1 16 members employed at the institution. The commission shall
1 17 compile and report the information collected to the general
1 18 assembly, the governor, and the legislative services agency by
1 19 March 1 annually.

1 20 Sec. 2. Section 261.6, subsection 4, Code 2011, is amended
1 21 by striking the subsection.

1 22 Sec. 3. Section 261.9, subsection 1, paragraph d, Code 2011,
1 23 is amended to read as follows:

1 24 d. Promotes equal opportunity and affirmative action efforts
1 25 in the recruitment, appointment, assignment, and advancement of
1 26 personnel at the institution and provides information regarding

~~1 27 such efforts to the commission upon request. In carrying
1 28 out this responsibility the institution shall do all of the
1 29 following:~~

~~1 30 (1) Designate a position as the affirmative action
1 31 coordinator.~~

~~1 32 (2) Adopt affirmative action standards.~~

~~1 33 (3) Gather data necessary to maintain an ongoing assessment
1 34 of affirmative action efforts.~~

~~1 35 (4) Monitor accomplishments with respect to affirmative~~



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- ~~2 1 action remedies identified in affirmative action plans.~~
2 2 ~~(5) Conduct studies of preemployment and postemployment~~
~~2 3 processes in order to evaluate employment practices and develop~~
~~2 4 improved methods of dealing with all employment issues related~~
~~2 5 to equal employment opportunity and affirmative action.~~
2 6 ~~(6) Establish an equal employment committee to assist in~~
~~2 7 addressing affirmative action needs, including recruitment.~~
2 8 ~~(7) Address equal opportunity and affirmative action~~
~~2 9 training needs by:~~
2 10 ~~(a) Providing appropriate training for managers and~~
~~2 11 supervisors.~~
2 12 ~~(b) Insuring that training is available for all staff~~
~~2 13 members whose duties relate to personnel administration.~~
2 14 ~~(c) Investigating means for training in the area of career~~
~~2 15 development.~~
2 16 ~~(8) Require development of equal employment opportunity~~
~~2 17 reports, including the initiation of the processes necessary~~
~~2 18 for the completion of reports required by the federal equal~~
~~2 19 employment opportunity commission.~~
2 20 ~~(9) Address equal opportunity and affirmative action~~
~~2 21 policies with respect to employee benefits and leaves of~~
~~2 22 absence.~~
2 23 ~~(10) File annual reports with the college aid commission of~~
~~2 24 activities under this paragraph.~~
2 25 Sec. 4. Section 261.25, subsection 5, Code 2011, is amended
2 26 by striking the subsection.
2 27 Sec. 5. Section 261.92, subsection 1, paragraph b, Code
2 28 2011, is amended to read as follows:
2 29 b. Promotes equal opportunity and affirmative action efforts
2 30 in the recruitment, appointment, assignment, and advancement of
2 31 personnel at the institution and provides information regarding
2 32 such efforts to the commission upon request. In carrying
~~2 33 out this responsibility the institution shall do all of the~~
~~2 34 following:~~
2 35 ~~(1) Designate a position as the affirmative action~~



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- ~~3 1 coordinator.~~
- ~~3 2 (2) Adopt affirmative action standards.~~
- ~~3 3 (3) Gather data necessary to maintain an ongoing assessment~~
~~3 4 of affirmative action efforts.~~
- ~~3 5 (4) Monitor accomplishments with respect to affirmative~~
~~3 6 action remedies identified in affirmative action plans.~~
- ~~3 7 (5) Conduct studies of preemployment and postemployment~~
~~3 8 processes in order to evaluate employment practices and develop~~
~~3 9 improved methods of dealing with all employment issues related~~
~~3 10 to equal employment opportunity and affirmative action.~~
- ~~3 11 (6) Establish an equal employment committee to assist in~~
~~3 12 addressing affirmative action needs, including recruitment.~~
- ~~3 13 (7) Address equal opportunity and affirmative action~~
~~3 14 training needs by doing all of the following:~~
 - ~~3 15 (a) Providing appropriate training for managers and~~
~~3 16 supervisors.~~
 - ~~3 17 (b) Insuring that training is available for all staff~~
~~3 18 members whose duties relate to personnel administration.~~
 - ~~3 19 (c) Investigating means for training in the area of career~~
~~3 20 development.~~
 - ~~3 21 (8) Require development of equal employment opportunity~~
~~3 22 reports, including the initiation of the processes necessary~~
~~3 23 for the completion of reports required by the federal equal~~
~~3 24 employment opportunity commission.~~
 - ~~3 25 (9) Address equal opportunity and affirmative action~~
~~3 26 policies with respect to employee benefits and leaves of~~
~~3 27 absence.~~
 - ~~3 28 (10) File annual reports with the college student aid~~
~~3 29 commission of activities under this paragraph.~~
- ~~3 30 Sec. 6. Section 261.112, subsection 4, Code 2011, is amended~~
~~3 31 to read as follows:~~
 - ~~3 32 4. The annual amount of teacher shortage loan forgiveness~~
~~3 33 shall not exceed the resident tuition rate established for~~
~~3 34 institutions of higher learning governed by the state board of~~
~~3 35 regents for the first year following the teacher's graduation~~



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4 1 from an approved practitioner preparation program, or twenty
4 2 percent of the teacher's total federally guaranteed Stafford
4 3 loan amount under the federal family education loan program
4 4 or the federal direct loan program, including principal
4 5 and interest, whichever amount is less. A teacher shall be
4 6 eligible for the loan forgiveness program for not more than
4 7 five ~~consecutive~~ years. However, practice by an eligible
4 8 teacher in a teacher shortage area pursuant to subsection 1
4 9 must be completed within ten years following graduation from
4 10 the approved practitioner preparation program.

4 11 EXPLANATION

4 12 This bill makes changes relating to data collection by the
4 13 college student aid commission; requires the commission to
4 14 ensure that students receiving state-funded scholarships and
4 15 grants are attending institutions of higher education that
4 16 are not required to register as a postsecondary school under
4 17 Code chapter 261B and which are eligible to participate in
4 18 federal student aid programs; strikes a requirement that the
4 19 commission develop and implement a postsecondary and workforce
4 20 participation tracking system; changes teacher shortage loan
4 21 forgiveness program eligibility requirements; and eliminates
4 22 a specific list of equal opportunity and affirmative action
4 23 efforts accredited private institutions are currently required
4 24 to implement.

4 25 The bill strikes a provision that requires the commission
4 26 to develop and implement a tracking system that maintains a
4 27 10-year record of the postsecondary and workforce participation
4 28 for each person assisted under the all Iowa opportunity foster
4 29 care grant program. The provision stricken also requires the
4 30 commission to deliver a report on program outcomes to the
4 31 governor and general assembly by January 1 annually.

4 32 Currently, each accredited public and private institution
4 33 whose students receive Iowa tuition grants or Iowa grants
4 34 must promote equal opportunity and affirmative action efforts
4 35 regarding personnel at the institution, and the Code specifies



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5 1 the actions each institution must take, including but not
5 2 limited to designating an affirmative action coordinator,
5 3 adopting affirmative action standards, conducting studies of
5 4 preemployment and postemployment processes, and filing annual
5 5 reports with the commission. The bill eliminates the list of
5 6 specified actions and requires the institutions to provide
5 7 information to the commission as requested.

5 8 Currently, only postsecondary institutions that enroll
5 9 students who are Iowa tuition grant recipients must transmit
5 10 to the commission information about the number of minority
5 11 students enrolled. The bill expands this requirement to all
5 12 postsecondary institutions whose students receive financial
5 13 assistance administered by the commission, but eliminates a
5 14 requirement that such institutions submit to the commission
5 15 existing or proposed plans for the recruitment and retention of
5 16 minority students and faculty and for service to nontraditional
5 17 students.

5 18 Finally, the bill provides that teachers may be eligible
5 19 for five years of loan forgiveness under the teacher shortage
5 20 loan forgiveness program, but practice conferring eligibility
5 21 must be completed within 10 years following graduation from an
5 22 approved practitioner preparation program. Currently, the five
5 23 years of eligibility must run consecutively.

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