



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
January 24, 2011

**House File 88 - Introduced**

HOUSE FILE  
BY JORGENSEN

**A BILL FOR**

1 An Act relating to procedures for the implementation of  
2 interventions by school districts with attendance centers  
3 identified as persistently lowest-achieving schools.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1763YH (2) 84  
kh/nh



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1 1 Section 1. Section 256.9, subsection 61, paragraph b, Code  
1 2 2011, is amended by striking the paragraph.

1 3 EXPLANATION

1 4 This bill removes a provision that directs the director of  
1 5 the department of education to require a school district that  
1 6 has one or more attendance centers identified as a persistently  
1 7 lowest=achieving school to negotiate with the school district's  
1 8 employee organization to reach a memorandum of understanding  
1 9 that contains an agreement regarding which of the four possible  
1 10 interventions the school district will implement as required by  
1 11 the U.S. department of education.

1 12 Currently, the school district and the employee organization  
1 13 representing the school district's teachers must meet at  
1 14 reasonable times to negotiate a memorandum of understanding  
1 15 that contains an agreement on the specific intervention to  
1 16 be implemented and a provision stating that the terms of any  
1 17 collective bargaining agreement between the parties shall  
1 18 remain in effect and unaltered except as specifically agreed  
1 19 to in the memorandum. If the parties are unable to reach an  
1 20 agreement within 45 days, they must select an impartial and  
1 21 disinterested person to serve as a mediator, who shall not  
1 22 compel the parties to agree. If mediation fails after 30  
1 23 days, the school district shall not receive any federal school  
1 24 improvement funds for the attendance center identified as a  
1 25 persistently lowest=achieving school. The memorandum remains  
1 26 in effect for the period of time that an attendance center is  
1 27 identified as a persistently lowest=achieving school unless a  
1 28 duration period is included in the memorandum or the parties  
1 29 mutually agree to amend the memorandum.

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kh/nh



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**House File 89 - Introduced**

HOUSE FILE  
BY HUNTER

**A BILL FOR**

1 An Act requiring the payment of local prevailing wage rates to  
2 persons working on public improvements for public bodies,  
3 and providing penalties and including effective date  
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1738YH (2) 84  
je/rj



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1 1 Section 1. Section 84A.5, subsection 4, Code 2011, is  
1 2 amended to read as follows:  
1 3 4. The division of labor services is responsible for the  
1 4 administration of the laws of this state under chapters 88,  
1 5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,  
1 6 and 94A, and section 85.68. The executive head of the division  
1 7 is the labor commissioner, appointed pursuant to section 91.2.  
1 8 Sec. 2. NEW SECTION. 91F.1 Short title.  
1 9 This chapter shall be known and may be cited as the "Public  
1 10 Improvement Quality Protection Act".  
1 11 Sec. 3. NEW SECTION. 91F.2 Public policy.  
1 12 It is in the public interest that public improvements  
1 13 are completed by the best means and highest quality of labor  
1 14 reasonably available, and that workers working on public  
1 15 improvements be compensated according to the real value of the  
1 16 services they perform. It is the policy of this state that the  
1 17 wages of workers working on public improvements should be at  
1 18 least equal to the prevailing wage rates paid for similar work  
1 19 by responsible contractors in the community as a whole in order  
1 20 to accomplish all of the following:  
1 21 1. Protect workers and their contractors and subcontractors  
1 22 from the effects of serious and unfair competition resulting  
1 23 from wage levels detrimental to efficiency and well-being.  
1 24 2. Ensure that contractors compete with one another  
1 25 on the basis of the ability to perform work competently  
1 26 and efficiently while maintaining community-established  
1 27 compensation standards.  
1 28 3. Recognize that local participation in public  
1 29 improvements and family wage income and benefits are essential  
1 30 to the protection of community standards.  
1 31 4. Encourage training and education of workers to industry  
1 32 skills standards.  
1 33 5. Encourage contractors and subcontractors to use funds  
1 34 allocated for employee fringe benefits for the actual purchase  
1 35 of those benefits.



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2 1 Sec. 4. NEW SECTION. 91F.3 Definitions.  
2 2 As used in this chapter, unless the context otherwise  
2 3 requires:  
2 4 1. "Commissioner" means the labor commissioner appointed  
2 5 pursuant to section 91.2.  
2 6 2. "Contractor" or "subcontractor" means a person who  
2 7 undertakes, offers to undertake, purports to have the capacity  
2 8 to undertake, or submits a bid, individually or through others,  
2 9 to engage in a public improvement.  
2 10 3. "Custom fabrication" means the fabrication of plumbing,  
2 11 heating, cooling, ventilation, architectural systems,  
2 12 structural systems, exhaust duct systems, or mechanical  
2 13 insulation.  
2 14 4. "Division" means the division of labor of the department  
2 15 of workforce development.  
2 16 5. a. "Fringe benefits" means the following for the  
2 17 provision or purchase of any of the benefits enumerated in  
2 18 paragraph "b":  
2 19 (1) The contribution irrevocably made by a contractor or  
2 20 subcontractor to a trustee or to a third person pursuant to a  
2 21 plan, fund, or program.  
2 22 (2) The costs to the contractor or subcontractor which  
2 23 may be reasonably anticipated in providing benefits to  
2 24 workers pursuant to an enforceable commitment to carry out a  
2 25 financially responsible plan or program, given in writing to  
2 26 the workers affected.  
2 27 b. (1) Medical or hospital care.  
2 28 (2) Pensions or annuities on retirement or death.  
2 29 (3) Supplemental unemployment benefits.  
2 30 (4) Life insurance.  
2 31 (5) Disability and sickness insurance.  
2 32 (6) Accident insurance for nonwork-related accidents.  
2 33 (7) Vacation or holiday pay.  
2 34 (8) Defraying costs of apprenticeship programs approved by  
2 35 and registered with the United States department of labor's



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- 3 1 office of apprenticeship.
- 3 2 6. "Interested party" means any of the following:
- 3 3 a. A contractor who submits a bid for the purpose of
- 3 4 securing the award of a contract for a public improvement.
- 3 5 b. A subcontractor of a contractor mentioned in a bid
- 3 6 referred to in paragraph "a".
- 3 7 c. A worker employed by a contractor or subcontractor
- 3 8 described in either paragraph "a" or "b".
- 3 9 d. A labor organization that represents workers engaged
- 3 10 in the same craft or classification as workers employed by a
- 3 11 contractor or subcontractor described in either paragraph "a"
- 3 12 or "b" and that exists, in whole or in part, for the purpose
- 3 13 of negotiating with employers concerning the wages, hours, or
- 3 14 terms and conditions of employment of employees.
- 3 15 e. A joint labor=management committee established pursuant
- 3 16 to the federal Labor Management Cooperation Act of 1978, 29
- 3 17 U.S.C. { 175a.
- 3 18 7. "Locality" means a county of this state.
- 3 19 8. "Maintenance work" means the repair of existing public
- 3 20 improvements when the size, type, or extent of the public
- 3 21 improvement is not changed or increased.
- 3 22 9. "Prevailing wage rate" means the hourly wage plus
- 3 23 fringe benefits, which the commissioner determines prevails in
- 3 24 accordance with this chapter, including all of the following:
- 3 25 a. Apprentice ratios and the prevailing apprentice pay
- 3 26 levels for each craft, classification, or type of worker which
- 3 27 the commissioner determines prevails in accordance with section
- 3 28 91F.5.
- 3 29 b. A prevailing rate for overtime pay for work in excess
- 3 30 of the normal prevailing workday and for weekend overtime pay
- 3 31 for each craft, classification, or type of worker, including
- 3 32 apprentices.
- 3 33 c. Holiday pay for holidays that prevail in the locality in
- 3 34 which the work is being performed.
- 3 35 10. "Public body" means the state and any of its political



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4 1 subdivisions, including but not limited to a county, city,  
4 2 township, school district, state board of regents, and public  
4 3 utility. For the purposes of this chapter, "public utility"  
4 4 includes municipally owned utilities and municipally owned  
4 5 waterworks.  
4 6 11. a. "Public improvement" means any of the following that  
4 7 meets the criteria set out in paragraphs "b" and "c":  
4 8 (1) Construction, alteration, reconstruction, repair,  
4 9 rehabilitation, refinishing, refurbishing, remodeling,  
4 10 renovation, custom fabricating, maintenance, landscaping,  
4 11 improving, moving, wrecking, painting, decorating, or  
4 12 demolishing of, or adding to or subtracting from any building,  
4 13 structure, highway, road, street, bridge, alley, sewer, ditch,  
4 14 sewage disposal plant, waterworks, parking facility, railroad,  
4 15 excavation or other structure, project, development, or  
4 16 improvement, or any part thereof undertaken by a public body,  
4 17 including any of the following related activities:  
4 18 (a) The erection of scaffolding or other structures or  
4 19 works.  
4 20 (b) The maintenance, repair, assembly, or disassembly of  
4 21 equipment.  
4 22 (c) The testing of materials.  
4 23 (d) The hauling of refuse from a site to an outside disposal  
4 24 location.  
4 25 (e) The cleaning of grounds or structures.  
4 26 (f) The addition to or fabrication into any structure,  
4 27 project, development, or improvement of any material or article  
4 28 of merchandise undertaken by a public body.  
4 29 (2) The preparation and removal of roadway construction  
4 30 zones, lane closures, flagging, or traffic diversions  
4 31 undertaken by a public body.  
4 32 (3) The installation, repair, maintenance, or calibration  
4 33 of monitoring equipment for underground storage tanks  
4 34 undertaken by a public body.  
4 35 (4) Work that is performed on any property or premises



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5 1 dedicated exclusively or nearly so to the completion of a  
5 2 public improvement, and transportation of supplies, material,  
5 3 and equipment to or from the property or premises undertaken  
5 4 by a public body.  
5 5 b. Work on the public improvement is performed under public  
5 6 supervision or direction, and the work is financed wholly or  
5 7 in part from public funds, or if at the time of commencement  
5 8 of the public improvement all of the following conditions with  
5 9 respect to the public improvement are met:  
5 10 (1) Not less than fifty=five percent of the structure is  
5 11 leased by a public body, or is subject to an agreement to be  
5 12 subsequently leased by a public body.  
5 13 (2) The portion of the structure that is leased or subject  
5 14 to an agreement to be subsequently leased by a public body  
5 15 measures more than twenty thousand square feet.  
5 16 c. The public improvement has an estimated total cost that  
5 17 exceeds twenty=five thousand dollars.  
5 18 12. "Worker" means an individual who performs any  
5 19 labor or service for a contractor or subcontractor on a  
5 20 public improvement but does not include an individual when  
5 21 transporting a seller, supplier, manufacturer, or processor of  
5 22 materials or equipment. The individual is deemed an employee  
5 23 of a contractor or subcontractor unless all of the following  
5 24 apply:  
5 25 a. The individual provides labor or services free from the  
5 26 direction or control over the means and manner of providing the  
5 27 labor or services, subject only to the right of the person for  
5 28 whom the labor or services are provided to specify the desired  
5 29 results.  
5 30 b. The individual providing the labor or services is  
5 31 responsible for obtaining business registrations or licenses  
5 32 required by state law or local ordinance to provide the labor  
5 33 or services.  
5 34 c. The individual providing the labor or services furnishes  
5 35 the tools and equipment necessary to provide the labor or



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6 1 services.  
6 2 d. The individual providing the labor or services has the  
6 3 authority to hire and fire employees to perform the labor or  
6 4 services.  
6 5 e. Payment for the labor or services is made upon  
6 6 completion of the performance of specific portions of a public  
6 7 improvement, or is made on the basis of a periodic retainer.  
6 8 f. The individual providing the labor or services represents  
6 9 to the public that the labor or services are to be provided  
6 10 by an independently established business. An individual is  
6 11 engaged in an independently established business when four or  
6 12 more of the following circumstances exist:  
6 13 (1) Labor or services are primarily performed at a location  
6 14 separate from the individual's residence or in a specified  
6 15 portion of the residence that is set aside for performing labor  
6 16 or services.  
6 17 (2) Commercial advertising or business cards are purchased  
6 18 by the individual, or the individual is a member of a trade or  
6 19 professional association.  
6 20 (3) Telephone or electronic mail listings used by the  
6 21 individual for the labor or services are different from the  
6 22 individual's personal listings.  
6 23 (4) Labor or services are performed only pursuant to a  
6 24 written contract.  
6 25 (5) Labor or services are performed for two or more persons  
6 26 or entities within a period of one year.  
6 27 (6) The individual assumes financial responsibility  
6 28 for errors and omissions in the performance of the labor or  
6 29 services as evidenced by insurance, performance bonds, and  
6 30 warranties relating to the labor or services provided.  
6 31 Sec. 5. NEW SECTION. 91F.4 Administration.  
6 32 The commissioner and the division shall administer this  
6 33 chapter and the commissioner shall adopt rules for the  
6 34 administration and enforcement of this chapter as provided in  
6 35 section 91.6.



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7 1       Sec. 6. NEW SECTION. 91F.5 Determination of prevailing  
7 2 wages.  
7 3       1. The commissioner shall determine annually and publish,  
7 4 on the first business day of July, the prevailing wage rates  
7 5 by locality for each craft, classification, or type of worker  
7 6 needed to perform work on public improvements. The rates shall  
7 7 be conclusive for one year from the date of publication unless  
7 8 superseded within the one year by a later publication of the  
7 9 commissioner, or for a longer period as provided in subsection  
7 10 5.  
7 11       2. The commissioner shall announce all prevailing wage rate  
7 12 determinations by locality and give notice by posting them  
7 13 on the portion of the department of workforce development's  
7 14 internet site related to the division. A printed version of  
7 15 the prevailing wage rates for the state shall be available to  
7 16 the public upon request to the division.  
7 17       3. The public body awarding any contract for a public  
7 18 improvement, or otherwise undertaking any public improvement,  
7 19 shall obtain from the internet site the prevailing wage rate in  
7 20 the locality in which the public improvement is to be performed  
7 21 for each craft, classification, or type of worker needed  
7 22 to perform work on the public improvement. After a public  
7 23 improvement contract is awarded, or a public improvement is  
7 24 otherwise undertaken, the prevailing wage rate published by the  
7 25 commissioner and stated in the public body's public improvement  
7 26 procurement documents shall remain in effect throughout the  
7 27 duration of the public improvement unless superseded by a later  
7 28 determination and publication by the commissioner, or unless  
7 29 multiyear prevailing wage rates have been published by the  
7 30 commissioner at the time the public improvement procurement  
7 31 documents were released.  
7 32       4. a. In determining the annual prevailing wage rate  
7 33 for any craft, classification, or type of worker, the  
7 34 commissioner shall ascertain and consider the applicable  
7 35 wage rates and fringe benefits established by collective



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8 1 bargaining agreements, the prevailing wage rate determinations  
8 2 that may exist for federal public improvements within the  
8 3 locality and other data obtained by the department during any  
8 4 prevailing wage rate survey of contractors who participate in  
8 5 an apprenticeship program approved by and registered with the  
8 6 United States department of labor's office of apprenticeship,  
8 7 who provide health insurance and retirement benefits for their  
8 8 workers, and who are registered with the division. Based  
8 9 upon these considerations, the commissioner shall calculate  
8 10 the prevailing wage rates based on the wage rate plus fringe  
8 11 benefits most often occurring for each craft, classification,  
8 12 or other type of worker within each locality.

8 13 b. The minimum annual prevailing wage rate determination  
8 14 established by the department shall not be lower than the  
8 15 prevailing wage rate determination that may exist for federal  
8 16 public improvements within the locality and in the nearest  
8 17 labor market area.

8 18 c. None of the benefits enumerated in this chapter may be  
8 19 considered in the determination of prevailing wage rates if  
8 20 the contractor or subcontractor is required by other federal,  
8 21 state, or local law to provide such benefits.

8 22 5. If the commissioner determines that the prevailing  
8 23 wage rate for any craft, classification, or type of worker  
8 24 is the rate established by a collective bargaining agreement  
8 25 applicable in the locality, the commissioner may adopt that  
8 26 rate by reference and that determination shall be effective  
8 27 for the life of the agreement or until the commissioner adopts  
8 28 another rate.

8 29 6. a. At any time within fifteen days after the division  
8 30 has published on the department of workforce development's  
8 31 internet site the annual prevailing wage rates for each  
8 32 classification, craft, or other type of worker in the locality,  
8 33 any interested person affected may object to the determination  
8 34 or the part of the determination as the interested person  
8 35 may deem objectionable by filing a written notice with the



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9 1 commissioner by restricted certified mail as defined in  
9 2 section 618.15. When objecting to a prevailing wage rate  
9 3 determination, the interested person shall submit, as a  
9 4 part of the written notice, the prevailing wage rate the  
9 5 interested person believes to be the correct prevailing wage  
9 6 rate determination, stating the specific grounds to support  
9 7 that position. Upon receipt of the notice of objection, the  
9 8 commissioner shall reconsider the determination and shall  
9 9 affirm or modify the determination and reply in writing by  
9 10 restricted certified mail to the interested person within  
9 11 fifteen days from the date of the receipt of the notice of  
9 12 objection. Any modification to the prevailing wage rate  
9 13 determination shall be effective on the date the modification  
9 14 is published by the commissioner.

9 15     b. If the commissioner declines to modify the determination,  
9 16 within ten days upon receiving receipt of the commissioner's  
9 17 decision, the interested person affected may submit in writing  
9 18 the objection to the division by restricted certified mail,  
9 19 stating the specified grounds of the objection. The department  
9 20 of inspections and appeals shall be notified of the objection  
9 21 and set a date for a hearing before an administrative law judge  
9 22 on the objection, after giving notice by restricted certified  
9 23 mail to the interested person and the division at least ten  
9 24 days before the date of the hearing of the time and place of  
9 25 the hearing. The hearing shall be held within forty-five days  
9 26 after the objection is filed, and shall not be postponed or  
9 27 reset for a later date except upon the consent, in writing, of  
9 28 the interested person and the division.

9 29     7. The party requesting a hearing shall have the burden of  
9 30 establishing that the annual prevailing wage rate determination  
9 31 for that locality was not determined in accordance with this  
9 32 chapter. If the party requesting a hearing under this section  
9 33 objects to the commissioner's failure to include a craft,  
9 34 classification, or type of worker within the annual prevailing  
9 35 wage rate determination in the locality, the objector shall



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10 1 have the burden of establishing that there is no existing  
10 2 prevailing wage rate classification for the particular craft,  
10 3 classification, or type of worker in any of the localities  
10 4 under consideration.  
10 5 8. The administrative law judge may in the administrative  
10 6 law judge's discretion hear each written objection filed  
10 7 separately or consolidate for hearing any one or more written  
10 8 objections filed with the division. At the hearing, the  
10 9 division shall introduce into evidence the investigation it  
10 10 instituted which formed the basis of its determination, and the  
10 11 division or any interested objectors may introduce evidence  
10 12 that is material to the determination. The administrative  
10 13 law judge shall rule upon each written objection and make a  
10 14 final determination, as the administrative law judge believes  
10 15 the evidence warrants, and promptly serve a copy of the final  
10 16 determination by personal service or restricted certified mail  
10 17 on all parties to the proceedings. The administrative law  
10 18 judge shall render a final determination within thirty days  
10 19 after the conclusion of the hearing.  
10 20 9. If proceedings to review judicially the final  
10 21 determination of the administrative law judge are not  
10 22 instituted as provided in this section, the determination  
10 23 shall be final and binding. The provisions of section 17A.19  
10 24 shall apply to and govern all proceedings. Appeals from all  
10 25 final orders and judgments entered by the court in review of  
10 26 the final determination of the administrative law judge may be  
10 27 taken by any party to the action. In all reviews or appeals  
10 28 under this chapter, the attorney general shall represent the  
10 29 division and defend its determination.  
10 30 10. This section does not give reason or provide cause for  
10 31 an injunction to halt or delay any public improvement.  
10 32 Sec. 7. NEW SECTION. 91F.6 Payment of prevailing wages  
10 33 required.  
10 34 1. Contractors and subcontractors engaged in a public  
10 35 improvement shall pay not less than the current specified



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11 1 prevailing wage rates to all of their workers engaged in the  
11 2 public improvement. However, this chapter does not prohibit  
11 3 the payment of more than the prevailing wage rate to any  
11 4 workers engaged in a public improvement.

11 5 2. All contractors and subcontractors required to pay the  
11 6 prevailing wage rate under this chapter shall pay the wages  
11 7 in legal tender, without any deduction for food, sleeping  
11 8 accommodations, transportation, use of tools or safety  
11 9 equipment, vehicle or equipment rental, or any other thing of  
11 10 any kind or description.

11 11 Sec. 8. NEW SECTION. 91F.7 Requirements for public  
11 12 improvements.

11 13 1. The public body awarding a contract for a public  
11 14 improvement or otherwise undertaking a public improvement shall  
11 15 specify in the call for bids for the contract that this chapter  
11 16 applies to the public improvement.

11 17 2. If a public improvement requires the payment of  
11 18 prevailing wage rates, the public body shall require the  
11 19 contractor to execute a written instrument that not less  
11 20 than the prevailing wage rate shall be paid to all workers  
11 21 performing work on the public improvement. The written  
11 22 instrument shall also contain a provision that if it is  
11 23 found that any of the contractor's workers engaged in the  
11 24 public improvement has been paid at a wage rate less than the  
11 25 prevailing wage rate required by this chapter, the public body  
11 26 may terminate the contractor's right to proceed with the work  
11 27 and the contractor and its sureties shall be liable to the  
11 28 public body for any excess costs occasioned by the failure to  
11 29 pay the prevailing wage rate. The written instrument shall  
11 30 have attached a list of the specified prevailing wage rates  
11 31 for all crafts, classifications, or types of workers in the  
11 32 locality for each worker needed to be included in the contract  
11 33 for the public improvement.

11 34 3. If a contract is let for a public improvement requiring  
11 35 the payment of prevailing wage rates, the public body



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12 1 awarding the contract shall cause to be inserted in the public  
12 2 improvement specifications and contract a stipulation that not  
12 3 less than the prevailing wage rate shall be paid to all workers  
12 4 performing work under the contract. The contract shall also  
12 5 contain a provision to the effect that if it is found that any  
12 6 of the contractor's workers engaged in the public improvement  
12 7 has been paid at a wage rate less than the prevailing wage rate  
12 8 required by this chapter, the public body may terminate the  
12 9 contractor's right to proceed with the work and the contractor  
12 10 and its sureties shall be liable to the public body for any  
12 11 excess costs occasioned by the failure to pay the prevailing  
12 12 wage rate. All bid specifications shall list the specified  
12 13 prevailing wage rates for all crafts, classifications, or  
12 14 types of workers in the locality for each worker needed to be  
12 15 included in the contract.

12 16 4. If a public improvement requires the payment of  
12 17 prevailing wage rates, the contractor shall require any  
12 18 subcontractors engaged by the contractor on the public  
12 19 improvement to execute a written instrument that not less  
12 20 than the prevailing wage rates shall be paid to all workers  
12 21 performing work on the public improvement. The written  
12 22 instrument shall also contain a provision that if it is  
12 23 found that any of the subcontractor's workers engaged in the  
12 24 public improvement has been paid at a wage rate less than the  
12 25 prevailing wage rate required by this chapter, the public body  
12 26 may terminate the subcontractor's right to proceed with the  
12 27 work and the subcontractor and its sureties shall be liable to  
12 28 the public body for any excess costs occasioned by the failure  
12 29 to pay the prevailing wage rate. The written instrument shall  
12 30 have attached a list of the specified prevailing wage rates  
12 31 for all crafts, classifications, or types of workers in the  
12 32 locality for each worker needed to be included in the contract.

12 33 5. If a subcontract is let for a public improvement  
12 34 requiring the payment of the prevailing wage rate, the  
12 35 contractor to whom the contract is awarded shall insert



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13 1 into the subcontract and into the public improvement project  
13 2 specifications for each subcontract a written stipulation that  
13 3 not less than the prevailing wage rate shall be paid to all  
13 4 workers performing work under the subcontract. A subcontractor  
13 5 shall insert into each lower-tiered subcontract a stipulation  
13 6 that not less than the prevailing wage rate shall be paid  
13 7 to all workers performing work under the subcontract. The  
13 8 subcontract shall also contain a provision that if it is  
13 9 found that any subcontractor's workers engaged in the public  
13 10 improvement have been paid at a wage rate less than the  
13 11 prevailing wage rate required by this chapter, the public body  
13 12 may terminate the subcontractor's right to proceed with the  
13 13 work and the subcontractor and its sureties shall be liable to  
13 14 the public body for any excess costs occasioned by the failure  
13 15 to pay the prevailing wage rate. All bid specifications shall  
13 16 list the specified prevailing wage rates for all crafts,  
13 17 classifications, or types of workers in the locality for each  
13 18 worker needed to be included in the subcontract.

13 19 6. A contractor or subcontractor engaging in a public  
13 20 improvement shall submit a performance bond in an amount  
13 21 determined by the public body which bond shall include a  
13 22 provision that will guarantee the payment of the prevailing  
13 23 wage rates as required by the contract.

13 24 7. Before final payment is made by or on behalf of a public  
13 25 body of any sum or sums due on a public improvement, the  
13 26 treasurer of the public body or other officer or person charged  
13 27 with the custody and disbursement of the funds of the public  
13 28 body shall require the contractor and subcontractor to file a  
13 29 written statement with the public body, in a form satisfactory  
13 30 to the division, certifying to the amounts then due and owing  
13 31 from the contractor and subcontractor to any and all workers  
13 32 for wages due on account of the public improvement, setting  
13 33 forth the names of the persons whose wages are unpaid and  
13 34 the amount due to each respectively. The statement shall be  
13 35 verified by the oath of the contractor or subcontractor, as the



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14 1 case may be, that the contractor or subcontractor has read the  
14 2 statement certified by the contractor or subcontractor, knows  
14 3 the contents, and that the statement is true in accordance with  
14 4 the contractor's or subcontractor's own knowledge. However,  
14 5 this chapter shall not impair the right of a contractor to  
14 6 receive final payment from a public body because of the failure  
14 7 of a subcontractor to comply with provisions of this chapter.  
14 8 The treasurer of the public body or other officer or person  
14 9 charged with the custody and disbursement of the funds of the  
14 10 public body shall withhold the amount, if any, listed on the  
14 11 verified statement filed pursuant to this section for the  
14 12 benefit of the worker whose wages are unpaid as shown by the  
14 13 verified statement filed by the contractor or subcontractor,  
14 14 and the public body shall pay directly to any worker the amount  
14 15 shown by the statement to be due to the worker for the wages.  
14 16 Payment shall discharge the obligation of the contractor or  
14 17 subcontractor to the person receiving the payment to the extent  
14 18 of the amount of the payment.

14 19 8. The public body awarding a contract for a public  
14 20 improvement or otherwise undertaking a public improvement shall  
14 21 notify the commissioner in writing, on a form prescribed by  
14 22 the commissioner, if a contract subject to the provisions of  
14 23 this chapter has been awarded. The public body shall file  
14 24 the notification with the commissioner within thirty days  
14 25 after the contract is awarded or before commencement of the  
14 26 public improvement, and shall include a list of all first-tier  
14 27 subcontractors.

14 28 Sec. 9. NEW SECTION. 91F.8 Federal public improvements =====  
14 29 not applicable.

14 30 The provisions of this chapter shall not be applicable  
14 31 to public improvements financed entirely by federal funds  
14 32 which require a prevailing wage rate determination by the  
14 33 United States department of labor. However, unless a federal  
14 34 provision applies, if a public improvement is financed in part  
14 35 by a public body and in part by federal funds, the higher of the



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15 1 prevailing wage rates shall prevail for the public improvement.  
15 2 Sec. 10. NEW SECTION. 91F.9 Records required.  
15 3 1. While participating in a public improvement, the  
15 4 contractor and each subcontractor shall do all of the  
15 5 following:  
15 6 a. Make and keep, for a period of not less than three years,  
15 7 accurate records of all workers employed by the contractor or  
15 8 subcontractor on the public improvement. The records shall  
15 9 include each worker's name, address, telephone number when  
15 10 available, social security number, trade classification, the  
15 11 hourly wages paid in each pay period, the number of hours  
15 12 worked each day, and the starting and ending times of work each  
15 13 day.  
15 14 b. Submit weekly a certified payroll to the public body  
15 15 in charge of the public improvement. The certified payroll  
15 16 shall consist of a complete copy of the records identified in  
15 17 paragraph "a". The certified payroll shall be accompanied by a  
15 18 statement signed by the contractor or subcontractor which avers  
15 19 that the records are true and accurate and the hourly wages  
15 20 paid to each worker are not less than the prevailing wage rate  
15 21 required by this chapter.  
15 22 2. The public body in charge of the public improvement  
15 23 shall keep the records submitted in accordance with subsection  
15 24 1, paragraph "b", for a period of not less than three years.  
15 25 The records shall be considered public records and be made  
15 26 available in accordance with chapter 22. Personal information  
15 27 submitted in accordance with subsection 1, paragraph "a",  
15 28 including names, addresses, social security numbers, telephone  
15 29 numbers, and other identifying information shall remain  
15 30 confidential and shall not be made public.  
15 31 3. The contractor and each subcontractor shall make  
15 32 available for inspection the records identified in subsection  
15 33 1, paragraph "a", to the public body in charge of the public  
15 34 improvement, its officers and agents, and to the division.  
15 35 4. For the purpose of verifying the accuracy of the records



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16 1 submitted pursuant to this section, the contractor and each  
16 2 subcontractor shall make its workers available at the site of  
16 3 the public improvement for interview by the public body in  
16 4 charge of the public improvement, its officers and agents, and  
16 5 the division.  
16 6 5. Contractors and subcontractors performing work on public  
16 7 improvements subject to this chapter shall post the prevailing  
16 8 wage rates for each craft, classification, or type of workers  
16 9 involved in the public improvement in a prominent and easily  
16 10 accessible place at the site of the public improvement or at  
16 11 the place or places used by the contractor or subcontractor to  
16 12 pay workers their wages.  
16 13 Sec. 11. NEW SECTION. 91F.10 Powers of commissioner.  
16 14 The commissioner shall do all of the following:  
16 15 1. Inquire diligently about any complaint of a violation of  
16 16 this chapter, institute actions for penalties prescribed, and  
16 17 enforce generally the provisions of this chapter.  
16 18 2. Sue for injunctive relief against the awarding of a  
16 19 contract, the undertaking of a public improvement, or the  
16 20 continuation of a public improvement when the prevailing wage  
16 21 rate requirements of this chapter have not been met.  
16 22 3. Investigate and ascertain the wages of workers engaged in  
16 23 any public improvement in this state.  
16 24 4. a. Enter and inspect the place of business or employment  
16 25 of a contractor, subcontractor, or workers employed on a public  
16 26 improvement in this state, for the purpose of examining and  
16 27 inspecting books, registers, payrolls, and other records of a  
16 28 contractor or subcontractor that in any way relate to or have a  
16 29 bearing upon the question of wages, hours, and other conditions  
16 30 of employment of workers covered under this chapter.  
16 31 b. Copy the books, registers, payrolls, and other  
16 32 records as the commissioner or the commissioner's authorized  
16 33 representative deems necessary or appropriate.  
16 34 c. Question the workers for the purpose of ascertaining  
16 35 whether the provisions of this chapter have been and are being



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17 1 complied with.  
17 2     d. Administer oaths, take or cause to be taken depositions  
17 3 of witnesses, and require by subpoena the attendance and  
17 4 testimony of witnesses and the production of all books,  
17 5 registers, payrolls, and other evidence relative to the matter  
17 6 under investigation or hearing.  
17 7     5. Require from a contractor or subcontractor full and  
17 8 correct statements in writing, including sworn statements,  
17 9 with respect to wages, hours, names, addresses, and other  
17 10 information pertaining to its workers and their employment,  
17 11 as the commissioner or the commissioner's authorized  
17 12 representative may deem necessary or appropriate.  
17 13     6. Require a contractor or subcontractor to file, within  
17 14 ten days of receipt of a request, any records enumerated in  
17 15 subsections 3 and 4, sworn as to their validity and accuracy as  
17 16 required by subsection 5. If the contractor or subcontractor  
17 17 fails to provide the requested records within ten days, the  
17 18 commissioner may direct, within fifteen days after the end  
17 19 of the ten=day period, that the fiscal or financial officer  
17 20 charged with the custody and disbursements of the funds of the  
17 21 public body, which contracted for construction of the public  
17 22 improvement or undertook the public improvement, to immediately  
17 23 withhold from payment to the contractor or subcontractor  
17 24 up to twenty=five percent of the amount to be paid to the  
17 25 contractor or subcontractor under the terms of the contract  
17 26 or written instrument under which the public improvement is  
17 27 being performed. The amount withheld shall be immediately  
17 28 released upon receipt by the public body of a notice from  
17 29 the commissioner indicating that the request for records as  
17 30 required by this section has been satisfied.  
17 31     7. If a contractor or subcontractor fails to provide  
17 32 requested records in accordance with subsection 6 within ten  
17 33 days, direct, within fifteen days after the end of the ten=day  
17 34 period, the fiscal or financial officer charged with the  
17 35 custody and disbursements of the funds of the public body,



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18 1 which contracted for construction of the public improvement or  
18 2 undertook the public improvement, to pay directly to workers  
18 3 employed by the contractor or subcontractor from the amount  
18 4 withheld from the contractor or subcontractor pursuant to  
18 5 subsection 6 any prevailing wage rates found to be due and  
18 6 payable to the workers.  
18 7 8. Contract with a person registered as a public accountant  
18 8 under chapter 542 to conduct an audit of a contractor,  
18 9 subcontractor, or public body.  
18 10 Sec. 12. NEW SECTION. 91F.11 Notice of violations.  
18 11 1. For purposes of this section:  
18 12 a. "Accurate records" means the payroll records required  
18 13 to be submitted to the public body in charge of the public  
18 14 improvement as required by section 91F.9. "Accurate records"  
18 15 also means the hourly rate of contribution and costs paid for  
18 16 fringe benefits and whether the contributions and costs of the  
18 17 fringe benefits were paid into a fund or paid directly to the  
18 18 worker.  
18 19 b. "Decision" means a determination by the division that a  
18 20 single violation of this chapter has occurred, warranting the  
18 21 commissioner to issue a notice of violation to a contractor or  
18 22 subcontractor.  
18 23 c. "Notice of second violation" is a formal written notice  
18 24 issued by the division advising a contractor or subcontractor  
18 25 that a second or subsequent violation has occurred within three  
18 26 years from the date of the notice of a first violation.  
18 27 d. "Notice of violation" means a formal written notice  
18 28 issued by the division to a contractor or subcontractor  
18 29 that the division has made a decision that the contractor or  
18 30 subcontractor has violated this chapter.  
18 31 e. "Violation" means a written decision by the division that  
18 32 a contractor or subcontractor has done one of the following:  
18 33 (1) Failed or refused to pay the prevailing wage rate to one  
18 34 or more workers as required by this chapter.  
18 35 (2) Failed to keep accurate records as required by this



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19 1 chapter.  
19 2       (3) Failed to produce for the division accurate records or  
19 3 produced records not in compliance with this chapter.  
19 4       (4) Refused to submit records or testimony to the division  
19 5 in response to a subpoena issued in accordance with this  
19 6 chapter.  
19 7       (5) Refused to comply with the certified payroll provision  
19 8 of section 91F.9.  
19 9       (6) Refused the division access, at any reasonable hour at  
19 10 a location within the state, to inspect the contractor's or  
19 11 subcontractor's records as required by this chapter.  
19 12       (7) Failed to insert into each subcontract or lower=tiered  
19 13 subcontract and into the public improvement specifications  
19 14 for each subcontract or lower=tiered subcontract or provide a  
19 15 written instrument if no contract exists, a written stipulation  
19 16 that not less than the prevailing wage rate be paid as required  
19 17 by this chapter, and a statement that if it is found that a  
19 18 subcontractor's workers engaged in the public improvement have  
19 19 been paid at a rate of wages less than the prevailing wage rate  
19 20 required to be paid by the contract, the public body shall  
19 21 terminate the subcontractor's right to proceed with the work.  
19 22       (8) Failed to obtain a bond in the proper amount that  
19 23 guarantees the payment of the prevailing wage rates required in  
19 24 the contract.  
19 25       (9) Failed to post the prevailing wage rates as required by  
19 26 this chapter.  
19 27       2. After receipt of a complaint or on the division's  
19 28 initiative, the commissioner shall review the investigative  
19 29 file to determine whether a violation has occurred for  
19 30 which the contractor or subcontractor must be given notice.  
19 31 All information and observations made during an audit or  
19 32 investigation shall be considered and shall constitute the  
19 33 basis for the division's decision that this chapter has  
19 34 been violated and that a notice of violation is required  
19 35 to be issued. The notice of violation shall identify the



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20 1 specific violation and the amount of moneys estimated due the  
20 2 division and in controversy based on reasons contained in the  
20 3 investigative file.  
20 4 3. In making a decision that a contractor or subcontractor  
20 5 has failed to allow the commissioner access to accurate  
20 6 records, the commissioner shall rely on the information  
20 7 contained in the investigative file, the certified payroll  
20 8 records submitted to the public body in charge of the public  
20 9 improvement or any other information, and shall assess a  
20 10 separate violation for each day worked by each worker on the  
20 11 public improvement. Each decision of a separate violation  
20 12 shall be listed in the notice of violation.  
20 13 4. In determining that this chapter has been violated and  
20 14 that the issuance of a notice of violation is required, the  
20 15 commissioner shall base the decision on one or any combination  
20 16 of the following reasons:  
20 17 a. The severity of the violations, which includes the  
20 18 following:  
20 19 (1) The amount of wages that are determined to be underpaid  
20 20 pursuant to this chapter.  
20 21 (2) The activity or conduct complained of that violates the  
20 22 requirements of this chapter and was not merely a technical,  
20 23 nonsubstantive error. Examples of a technical error include  
20 24 but are not limited to a mathematical error, bookkeeping error,  
20 25 transposition of numbers, or computer or programming error.  
20 26 b. The nature and duration of the present violation and the  
20 27 prior history of the contractor or subcontractor related to  
20 28 this history. The prior history considered shall not exceed  
20 29 seven years before the date of the notice of violation.  
20 30 c. Whether the contractor or subcontractor submitted  
20 31 certified payroll records with the public body in charge of the  
20 32 public improvement; whether the contractor or subcontractor  
20 33 has kept payroll records and accurate records for three years;  
20 34 and whether the contractor or subcontractor produced certified  
20 35 payroll records in accordance with section 91F.9.



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21 1 d. Whether the contractor or subcontractor has violated any  
21 2 other provision of this chapter.

21 3 5. The notices of the first, second, and subsequent  
21 4 violations shall be sent by restricted certified mail,  
21 5 addressed to the last known address of the contractor or  
21 6 subcontractor involved. The notices shall contain a reference  
21 7 to the specific provisions of this chapter alleged to have been  
21 8 violated, identify the particular public improvement involved,  
21 9 identify the conduct complained of, and identify whether the  
21 10 notice is a first, second, or subsequent notice of violation,  
21 11 and include a contractor's or subcontractor's statement of  
21 12 liabilities.

21 13 Sec. 13. NEW SECTION. 91F.12 Violations ==== remedies.

21 14 1. If the commissioner determines that a public body has  
21 15 divided a public improvement into more than one contract for  
21 16 the purpose of avoiding compliance with this chapter, the  
21 17 commissioner shall issue an order compelling compliance. In  
21 18 making a determination whether a public body has divided a  
21 19 public improvement into more than one contract for the purpose  
21 20 of avoiding compliance with this chapter, the commissioner  
21 21 shall consider all of the following:

21 22 a. The physical separation of the public improvement  
21 23 structures.

21 24 b. The timing of the work on the public improvement phases  
21 25 or structures.

21 26 c. The continuity of public improvement contractors and  
21 27 subcontractors working on public improvement parts or phases.

21 28 d. The manner in which the public body and the contractor  
21 29 and subcontractors administer and implement work on the public  
21 30 improvement.

21 31 2. A worker employed by the contractor or subcontractor who  
21 32 is paid less than the specified prevailing wage rate under this  
21 33 chapter shall have a private right of action for the difference  
21 34 between the amount so paid and the specified prevailing wage  
21 35 rate, together with costs and reasonable attorney fees as shall



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22 1 be allowed by the court.  
22 2 3. The contractor or subcontractor shall additionally be  
22 3 liable to the department for fifty percent of the amount of  
22 4 underpayments and shall be additionally liable to the worker  
22 5 for punitive damages in an amount equal to five percent of the  
22 6 liability to the division for underpayments for each month  
22 7 following the date of payment during which underpayments remain  
22 8 unpaid, together with costs and reasonable attorney fees as  
22 9 shall be allowed by the court.  
22 10 4. If a second or subsequent action to recover underpayments  
22 11 is brought against a contractor or subcontractor within a  
22 12 three-year period and the contractor or subcontractor is  
22 13 found liable for underpayments to a worker, the contractor or  
22 14 subcontractor shall be liable to the division for seventy-five  
22 15 percent of the amount of underpayments payable as a result of  
22 16 the second or subsequent action, additionally liable for ten  
22 17 percent of the amount of the liability to the division for  
22 18 underpayments for each month following the date of payment  
22 19 during which the underpayments remain unpaid, and liable for  
22 20 triple the difference between the amount so paid to the worker  
22 21 and the specified prevailing wage rate required, together with  
22 22 costs and reasonable attorney fees as shall be allowed by the  
22 23 court. The three-year period begins to run from the date the  
22 24 contractor or subcontractor is determined liable for the first  
22 25 violation.  
22 26 5. The commissioner and any interested party shall also  
22 27 have a right of action on behalf of a worker who has a right of  
22 28 action under this chapter. An action brought to recover the  
22 29 same shall be deemed to be a suit for wages, and all judgments  
22 30 entered in the action shall have the same force and effect as  
22 31 other judgments for wages. At the request of a worker employed  
22 32 by a contractor or subcontractor who is paid less than the  
22 33 prevailing wage rate required by this chapter, the commissioner  
22 34 may take an assignment of the wage claim in trust for the  
22 35 assigning worker and may bring any legal action necessary to



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23 1 collect the claim, and the contractor or subcontractor shall  
23 2 be required to pay the expenses of the division incurred in  
23 3 collecting the claim.  
23 4 6. In circumstances where a worker may not be available to  
23 5 receive a payment or judgment, the payment due the worker shall  
23 6 revert to the division after one year elapses from the time  
23 7 payment was attempted to be made or judgment was rendered.  
23 8 7. It is a violation of this chapter to do any of the  
23 9 following:  
23 10 a. To request or demand, either before or after the worker  
23 11 is engaged, that a worker pay back, return, donate, contribute,  
23 12 or give any part or all of the worker's wages, salary, or thing  
23 13 of value, to any person, upon the statement, representation, or  
23 14 understanding that failure to comply with the request or demand  
23 15 will prevent the worker from procuring or retaining employment.  
23 16 b. To directly or indirectly pay, request, or authorize any  
23 17 other person to violate this chapter.  
23 18 This subsection does not apply to an agent or representative  
23 19 of a duly constituted labor organization acting in the  
23 20 collection of dues or assessments of the organization.  
23 21 8. In addition to other penalties provided under this  
23 22 chapter, whoever induces a worker working on a public  
23 23 improvement subject to this chapter to give up or forego  
23 24 any part of the prevailing wage rates to which the worker  
23 25 is entitled under this chapter by threat not to employ  
23 26 or by threat of dismissal from employment is guilty of a  
23 27 serious misdemeanor. An agreement between the worker and the  
23 28 contractor or subcontractor to work for less than the specified  
23 29 prevailing wage rate shall not be a defense to criminal  
23 30 prosecution.  
23 31 9. a. A contract shall not be awarded to a contractor  
23 32 or subcontractor who, on two separate occasions within a  
23 33 three-year period, has been determined to have violated  
23 34 this chapter, or to any firm, corporation, partnership, or  
23 35 association in which the contractor or subcontractor has any



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24 1 interest until five years have elapsed from the date on which  
24 2 a final determination is rendered finding the contractor or  
24 3 subcontractor in violation of this chapter.  
24 4     b. For the purposes of this subsection, "any interest" means  
24 5 an interest in the entity bidding or performing work on the  
24 6 public improvement, whether as an owner, partner, officer,  
24 7 manager, employee, agent, consultant, or representative. "Any  
24 8 interest" includes but is not limited to all instances where the  
24 9 barred contractor or subcontractor receives payments, whether  
24 10 cash or any other form of compensation, from any entity bidding  
24 11 or performing work on the public improvement, or enters into  
24 12 a contract with the entity bidding or performing work on the  
24 13 public improvement for services performed or to be performed  
24 14 under contract that have been or will be assigned or sublet,  
24 15 or for vehicles, tools, equipment, or supplies that have been  
24 16 or will be sold, rented, or leased during the period from the  
24 17 initiation of the barring proceedings until the end of the term  
24 18 of the barring period. "Any interest" does not include shares  
24 19 held in a publicly traded corporation if the shares were not  
24 20 received as compensation after the barring of an entity bidding  
24 21 or performing work on a public improvement.  
24 22     10. If the division determines that a contractor or  
24 23 subcontractor has violated this chapter on two separate  
24 24 occasions within a three-year period, the division shall list  
24 25 on the department of workforce development's internet site and  
24 26 keep on record the name of the contractor or subcontractor and  
24 27 give notice by restricted certified mail of the list to any  
24 28 public body requesting the list.  
24 29     11. Upon a determination that a contractor or subcontractor  
24 30 has violated this chapter on two separate occasions within a  
24 31 three-year period, the division shall notify the violating  
24 32 contractor or subcontractor by restricted certified mail. The  
24 33 contractor or subcontractor has ten working days to request  
24 34 of the division a hearing before an administrative law judge  
24 35 on the alleged violation. Failure to respond within ten



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25 1 working days shall result in automatic and immediate barring  
25 2 of the violator from work and placement and publication of the  
25 3 violator's name on the department of workforce development's  
25 4 internet site. If the contractor or subcontractor requests a  
25 5 hearing within ten working days by restricted certified mail,  
25 6 the department of inspections and appeals shall set a hearing  
25 7 before an administrative law judge on the alleged violation.  
25 8 The hearing shall take place no later than forty=five calendar  
25 9 days after the receipt by the division of the request for a  
25 10 hearing. An action by an administrative law judge constitutes  
25 11 final agency action and is subject to judicial review under  
25 12 section 17A.19.

25 13 12. The attorney general shall prosecute the cases  
25 14 identified in this section upon complaint by the commissioner  
25 15 or by any interested person. In any proceeding brought  
25 16 pursuant to this section, the commissioner shall be represented  
25 17 by the attorney general.

25 18 13. This section does not give reason or provide cause for  
25 19 an injunction to halt or delay any public improvement.

25 20 Sec. 14. NEW SECTION. 91F.13 Apprentices.

25 21 This chapter shall not prevent the employment of apprentices  
25 22 upon public improvements. However, an apprentice employed  
25 23 on a public improvement must be registered with the United  
25 24 States department of labor's office of apprenticeship under  
25 25 an apprenticeship program registered with that office, paid  
25 26 the proper wages specified in the standards of apprenticeship,  
25 27 and engaged only in the trade to which the apprentice is  
25 28 registered. If the apprentice is employed on a public  
25 29 improvement in a trade to which the apprentice is not  
25 30 registered with the United States department of labor's office  
25 31 of apprenticeship, the apprentice shall be treated as any other  
25 32 worker under this chapter.

25 33 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
25 34 3, shall not apply to this Act.

25 35 Sec. 16. EFFECTIVE DATE. This Act takes effect January 1,



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26 1 2012.

26 2

EXPLANATION

26 3 This bill requires a contractor to pay workers the same  
26 4 hourly wage plus fringe benefits for a public improvement  
26 5 costing more than \$25,000 as the contractor would pay workers  
26 6 for a private construction or improvement project. The bill  
26 7 allows the per-hour wage rate to be based on what is normally  
26 8 paid in the area by contractors for similar projects, and to  
26 9 be adjusted on a yearly basis by the department of workforce  
26 10 development.

26 11 The wage rates that the workers must be paid shall also  
26 12 include benefits such as medical care, life insurance, overtime  
26 13 pay, and vacation and holiday pay. The bill applies to any  
26 14 public improvement that receives money from a public body and  
26 15 includes most types of public improvements from construction to  
26 16 road maintenance to painting to hauling.

26 17 The labor commissioner determines the wage rates for  
26 18 specific geographical areas and for specific crafts,  
26 19 classifications, and types of workers. This information must  
26 20 be posted on the department of workforce development's internet  
26 21 site. In determining what the wage rate for a worker is, the  
26 22 commissioner may consult collective bargaining agreements, wage  
26 23 rate determinations for federal projects in the same area, and  
26 24 other information the department may receive from contractors  
26 25 who participate in an apprenticeship program approved by the  
26 26 federal office of apprenticeship.

26 27 Any person affected by the wage rates has 15 days after the  
26 28 department of workforce development has posted the wage rates  
26 29 on its internet site to object in writing, stating the specific  
26 30 reason for the objection, to the labor commissioner. The  
26 31 commissioner must reconsider the determination being objected  
26 32 to, and either affirm or modify it within 15 days of receiving  
26 33 the objection.

26 34 If the commissioner declines to modify the determination,  
26 35 within 10 days, the person affected may submit an objection



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27 1 in writing to the division, stating the specific reasons for  
27 2 the objection. A hearing must be set by the department of  
27 3 inspections and appeals before an administrative law judge  
27 4 within 45 days after the objection is filed. The person who  
27 5 filed the objection must show the administrative law judge  
27 6 that the wage rate was somehow made in error. The division  
27 7 is required to show how it determined the wage rate. The  
27 8 administrative law judge must make a decision about the wage  
27 9 rate within 30 days and it is considered a final determination.  
27 10 The bill requires that contractors and subcontractors not  
27 11 pay the workers less than the established wage rate but does  
27 12 not prohibit them from paying the workers more than the wage  
27 13 rate. The wage rate must be paid without any deductions for  
27 14 food, sleeping quarters, use of tools, or safety equipment.  
27 15 The bill also requires the public body to monitor the  
27 16 contractors and subcontractors to ensure that the wage rate  
27 17 is paid. A call for bids must state that the wage rate must  
27 18 be included in the bids for the public improvement. All  
27 19 bids shall list the specific wage rates for each craft,  
27 20 classification, and type of worker needed for the public  
27 21 improvement. All contractors and subcontractors are required  
27 22 to sign a contract that states they will pay workers the wage  
27 23 rate determined by the division. If the contractors and  
27 24 subcontractors are found to not be paying the wage rate, the  
27 25 contract states that the contractor's or subcontractor's right  
27 26 to work on the public improvement and get paid for work already  
27 27 done may be terminated.  
27 28 Before the contractor or subcontractor receives the final  
27 29 payment for the public improvement, the public body overseeing  
27 30 the public improvement must certify the bills include proper  
27 31 amounts due the workers, and the contractor or subcontractor  
27 32 must swear under oath that the records are accurate.  
27 33 The bill does not apply to public improvement projects  
27 34 funded by the federal government. However, unless a federal  
27 35 provision applies, if a public improvement project is financed



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28 1 by both a state public body and the federal government, then  
28 2 the higher of the applicable wage rates shall be paid to the  
28 3 workers.

28 4       The bill also requires that contractors and subcontractors  
28 5 keep detailed records for at least three years about the  
28 6 workers, the rates paid, and the hours worked for each  
28 7 public improvement. The records are public records and must  
28 8 be available for inspection. However, workers' personal  
28 9 information is not available to the public for inspection.  
28 10 During the public improvement, a contractor or subcontractor  
28 11 must present a certified weekly payroll to demonstrate that  
28 12 the correct and full wage rate is being paid to workers. The  
28 13 contractors and subcontractors must make all workers available  
28 14 on-site to officials for interviews so that the records'  
28 15 accuracy can be checked. Contractors and subcontractors must  
28 16 also post the wage rates for each craft, classification, and  
28 17 type of worker in a public place where workers can see the  
28 18 posting or at the place where they receive their wages.

28 19       The commissioner is given specific powers for investigation,  
28 20 enforcement, and penalization. The commissioner may sue to  
28 21 prevent a contractor or subcontractor from being awarded  
28 22 a contract for a public improvement when the wage rate  
28 23 requirements have not been met. The commissioner is given the  
28 24 power to withhold payments if a contractor or subcontractor  
28 25 does not produce records upon request and to pay the workers  
28 26 directly if the contractor or subcontractor continues to refuse  
28 27 to provide records.

28 28       After receiving a complaint, the commissioner shall  
28 29 investigate whether there has been a violation. If the  
28 30 commissioner determines there has been a violation, the  
28 31 contractor or subcontractor must be given notice of that  
28 32 violation. The notice is a formal written statement from the  
28 33 department of workforce development that states the specific  
28 34 violation and the amount of money due as a penalty.

28 35       If a public body has divided up a public improvement to



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29 1 avoid having to pay the wage rate, the commissioner shall order  
29 2 compliance. A worker who is paid less than the wage rate set by  
29 3 this law can sue for the difference in payment and collect the  
29 4 difference along with costs and attorney fees in court.

29 5 The contractor or subcontractor shall also have to pay the  
29 6 department of workforce development 50 percent of the amount of  
29 7 underpayment and is liable to the worker for punitive damages  
29 8 of up to 5 percent of the underpayments for each month the  
29 9 underpayment remains unpaid plus costs and attorney fees.

29 10 If a second or subsequent action for underpaying a worker  
29 11 is brought against a contractor or subcontractor within  
29 12 a three-year period and the contractor or subcontractor  
29 13 is liable, the contractor or subcontractor shall pay the  
29 14 department of workforce development 75 percent of the amount of  
29 15 underpayment, pay the department 10 percent of the penalty for  
29 16 underpayments for each month following it that the underpayment  
29 17 remains unpaid, and is liable for triple the difference between  
29 18 the amount paid to the worker and the amount due under the wage  
29 19 rate set by the department plus costs and attorney fees.

29 20 The commissioner or any interested party has a right of  
29 21 action on behalf of any individual who has a right of action  
29 22 under the bill. The commissioner may file a lawsuit in trust  
29 23 for a worker who assigns the claim and then bring legal action  
29 24 to collect the claim. The contractor shall be required to pay  
29 25 the expenses for collection of the claim.

29 26 A person may not ask, demand, receive, donate, give, or agree  
29 27 to give back any part of a worker's wages or thing of value to  
29 28 any person who asserts that failing to do so will prevent the  
29 29 worker from keeping or getting work. However, this provision  
29 30 does not apply to authorized labor organization representatives  
29 31 collecting dues or assessments.

29 32 In addition to other penalties under this law, anyone who  
29 33 attempts to get a worker to give up any part of compensation  
29 34 on a public improvement by threat not to hire or by threat of  
29 35 firing is guilty of a serious misdemeanor. Any agreement to



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30 1 work for less than the determined wage rate is not a defense to  
30 2 criminal prosecution.

30 3     If a contractor or subcontractor has violated this law twice  
30 4 within a three-year period, the contractor or subcontractor  
30 5 or any company or group associated with the contractor or  
30 6 subcontractor shall not be given any public improvement work  
30 7 for five years. The department of workforce development  
30 8 shall keep a list on its internet site of contractors and  
30 9 subcontractors who have violated this law twice within a  
30 10 three-year period and notify public bodies by restricted  
30 11 certified mail.

30 12     A contractor or subcontractor who has been notified of the  
30 13 second violation has 10 days to request a hearing before an  
30 14 administrative law judge. If no hearing is requested, the  
30 15 contractor is barred from receiving public improvement work and  
30 16 its name and information is posted on the department's internet  
30 17 site. A hearing must be held within 45 days of the request.

30 18     Apprentices employed on a public improvement project must  
30 19 be registered with the federal office of apprenticeship.  
30 20 Apprentices must receive the wages set out in the standards of  
30 21 apprenticeship and do only the work specified in the trade to  
30 22 which they are apprenticed. An apprentice not registered with  
30 23 the federal program shall be paid the wage rate the same as any  
30 24 other worker.

30 25     The bill may include a state mandate as defined in Code  
30 26 section 25B.3. The bill makes inapplicable Code section 25B.2,  
30 27 subsection 3, which would relieve a political subdivision from  
30 28 complying with a state mandate if funding for the cost of  
30 29 the state mandate is not provided or specified. Therefore,  
30 30 political subdivisions are required to comply with any state  
30 31 mandate included in the bill.

30 32     The bill takes effect January 1, 2012.

LSB 1738YH (2) 84

je/rj



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**House File 90 - Introduced**

HOUSE FILE  
BY MURPHY

**A BILL FOR**

1 An Act requiring a scope of practice impact statement for  
2 administrative rules adopted by certain health-related  
3 licensing boards.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1612HH (3) 84  
jr/rj



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House File 90 - Introduced continued

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1 1 Section 1. NEW SECTION. 147.171 Scope of practice impact  
1 2 statement and regulatory analysis.  
1 3 1. a. A board enumerated in section 147.13 shall publish  
1 4 in the Iowa administrative bulletin a scope of practice impact  
1 5 statement of an administrative rule within seventy days after  
1 6 the effective date of the administrative rule, if a written  
1 7 request for the analysis is submitted to the board by the  
1 8 administrative rules review committee or the administrative  
1 9 rules coordinator.  
1 10 b. The statement shall evaluate the impact of a rule upon  
1 11 the duties and functions of a licensed health profession  
1 12 directly impacted by the rule and the duties and functions of  
1 13 health professionals whose jobs are indirectly impacted by  
1 14 the rule. The statement shall evaluate the overall effect of  
1 15 the rule on patient safety, health outcomes, liability issues  
1 16 for impacted licensed professionals and licensed facilities,  
1 17 working conditions, and the feasibility of licensees completing  
1 18 their duties in an appropriate manner based upon licensure  
1 19 specifications.  
1 20 c. The statement shall be published within seventy days of  
1 21 the request.  
1 22 2. Prior to the adoption of an administrative rule, a  
1 23 board shall issue a regulatory analysis that complies with  
1 24 the requirements of this subsection, if the rule would have  
1 25 a substantial impact on licensed health professionals and  
1 26 if, within thirty-two days after the published notice of the  
1 27 proposed rule's adoption, a written request for analysis is  
1 28 submitted to the board by the administrative rules review  
1 29 committee, the administrative rules coordinator, at least  
1 30 twenty-five persons signing that request who each are licensees  
1 31 of the profession or by an organization representing at least  
1 32 twenty-five such persons. If a rule has been adopted without  
1 33 prior notice and an opportunity for public participation in  
1 34 reliance upon section 17A.4, subsection 3, the written request  
1 35 for a regulatory analysis that complies with this subsection



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2 1 may be made within seventy days of publication of the rule.  
2 2 a. Except to the extent that a written request for a  
2 3 regulatory analysis expressly waives one or more of the  
2 4 following, the regulatory analysis must contain all of the  
2 5 following:  
2 6 (1) A description of the classes of persons who probably  
2 7 will be affected by the proposed rule, including classes that  
2 8 may suffer from the proposed rule and classes that will benefit  
2 9 from the proposed rule.  
2 10 (2) A description of the probable quantitative and  
2 11 qualitative impact of the proposed rule, economic or otherwise,  
2 12 upon affected classes of persons, including a description of  
2 13 the nature and amount of all of the different kinds of costs  
2 14 that would be incurred in complying with the proposed rule.  
2 15 (3) The probable costs to the agency and to any other agency  
2 16 of the implementation and enforcement of the proposed rule and  
2 17 any anticipated effect on state revenues.  
2 18 (4) A comparison of the probable costs and benefits of the  
2 19 proposed rule to the probable costs and benefits of inaction.  
2 20 (5) A determination of whether less intrusive methods exist  
2 21 for achieving the purpose of the proposed rule.  
2 22 (6) A description of any alternative methods for achieving  
2 23 the purpose of the proposed rule that were seriously considered  
2 24 by the agency and the reasons why they were rejected in favor  
2 25 of the proposed rule.  
2 26 b. Each regulatory analysis must include quantifications  
2 27 of the data to the extent practicable and must take account of  
2 28 both short-term and long-term consequences.  
2 29 3. Upon receipt of a timely request for a regulatory  
2 30 analysis, the board shall extend the period specified in this  
2 31 chapter for each of the following until at least twenty days  
2 32 after publication in the administrative bulletin of a concise  
2 33 summary of the regulatory analysis:  
2 34 a. The end of the period during which persons may make  
2 35 written submissions on the proposed rule.





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4 1 cannot be adopted until the analysis is complete; if the rule  
4 2 has been filed "emergency", the analysis must be prepared  
4 3 within 70 days of the request. The regulatory analysis must  
4 4 include quantifications of the data to the extent practicable  
4 5 and must take account of both short-term and long-term  
4 6 consequences. The request for this analysis may be made by  
4 7 the administrative rules review committee, the administrative  
4 8 rules coordinator, at least 25 persons signing that request  
4 9 who each are licensees of the profession or by an organization  
4 10 representing at least 25 such persons.

LSB 1612HH (3) 84

jr/rj



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**House File 91 - Introduced**

HOUSE FILE  
BY ISENHART, LENSING, and  
MASCHER

**A BILL FOR**

1 An Act modifying the definition of good moral character for  
2 purposes of issuance of a liquor control license, beer  
3 permit, or wine permit.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1366HH (4) 84  
rn/nh



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House File 91 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.3, subsection 26, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. 0e. The person is not or has not previously  
1 4 been an owner or manager of any retail business or commercial  
1 5 establishment that constitutes or was found to have constituted  
1 6 a public nuisance by a state or local board, commission,  
1 7 department, or other regulatory authority.

1 8 Sec. 2. Section 123.3, Code 2011, is amended by adding the  
1 9 following new subsection:

1 10 NEW SUBSECTION. 26A. "Public nuisance" means any business  
1 11 whose operation or maintenance can be characterized by either  
1 12 of the following:

1 13 a. Jeopardizing or endangering the public health or safety,  
1 14 or the health or safety of persons residing or working on the  
1 15 premises or in the surrounding area.

1 16 b. Repeatedly resulting in or facilitating disturbances of  
1 17 the peace, illegal drug activity including sales or possession  
1 18 thereof, public drunkenness, open container violations,  
1 19 underage possession of alcohol, other alcohol-related offenses,  
1 20 other criminal offenses, harassment of passersby, illegal  
1 21 gambling, prostitution, sale of stolen goods, public urination,  
1 22 theft, assaults, batteries, acts of vandalism, excessive  
1 23 littering, illegal parking, or a disproportionate need for  
1 24 peace officer patrol or response.

1 25 EXPLANATION

1 26 This bill modifies the definition of "good moral character"  
1 27 applicable to requirements which must be satisfied by an  
1 28 applicant prior to issuance of a liquor control license, beer  
1 29 permit, or wine permit by the alcoholic beverages division of  
1 30 the department of commerce.

1 31 The bill adds to currently defined elements constituting  
1 32 good moral character that an applicant is not currently nor  
1 33 has previously been an owner or manager of any retail business  
1 34 or commercial establishment that constitutes or was found to  
1 35 have constituted a public nuisance by a state or local board,



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2 1 commission, department, or other regulatory authority. The  
2 2 bill provides a definition of "public nuisance" which is  
2 3 more narrowly focused on the type of business or commercial  
2 4 establishment to which a license or permit might be issued  
2 5 under Code chapter 123 than the definition contained in Code  
2 6 chapter 676, dealing generally with nuisances.  
2 7     The bill defines a public nuisance as any business whose  
2 8 operation or maintenance, regardless of knowledge or fault  
2 9 on the part of the owner or manager, either jeopardizes or  
2 10 endangers public health or safety or the health or safety  
2 11 of persons residing or working on the premises or in the  
2 12 surrounding area, or repeatedly results in or facilitates  
2 13 several specified disturbances or activities. These  
2 14 disturbances or activities include disturbances of the peace,  
2 15 illegal drug activity including sales or possession thereof,  
2 16 public drunkenness, open container violations, underage  
2 17 possession of alcohol, other alcohol-related offenses, other  
2 18 criminal offenses, harassment of passersby, illegal gambling,  
2 19 prostitution, sale of stolen goods, public urination, theft,  
2 20 assaults, batteries, acts of vandalism, excessive littering,  
2 21 illegal parking, or a disproportionate need for peace officer  
2 22 patrol or response.

LSB 1366HH (4) 84

rn/nh



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**House File 92 - Introduced**

HOUSE FILE  
BY HANSON

**A BILL FOR**

1 An Act relating to the investigation of complaints concerning  
2 veterinarians.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1752HH (1) 84  
jr/nh



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1 1 Section 1. Section 169.14, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. a. The board, upon its own motion or upon a verified  
1 4 complaint in writing, may request the department of inspections  
1 5 and appeals to conduct an investigation of the charges  
1 6 contained in the complaint. The department of inspections and  
1 7 appeals shall report its findings to the board, and the board  
1 8 may issue an order fixing the time and place for hearing if a  
1 9 hearing is deemed warranted. A written notice of the time and  
1 10 place of the hearing, together with a statement of the charges,  
1 11 shall be served upon the licensee at least ten days before the  
1 12 hearing in the manner required for the service of notice of the  
1 13 commencement of an ordinary action.  
1 14 b. If the board receives a verified complaint in writing  
1 15 and determines not to request an investigation, the board  
1 16 shall promptly notify the person making such complaint of its  
1 17 decision. The person making such complaint may petition the  
1 18 board in writing to reconsider its decision within ten days of  
1 19 receiving that notice. The board shall consider and respond to  
1 20 a petition for reconsideration within twenty days. A decision  
1 21 not to request an investigation following a petition for  
1 22 reconsideration shall constitute final agency action.

1 23 EXPLANATION  
1 24 This bill creates a review process when the board of  
1 25 veterinary medicine decides not to investigate a veterinarian  
1 26 after receiving a written complaint. Currently, animal  
1 27 owners have no recourse with the board when it decides not  
1 28 to investigate. Under this bill, aggrieved animal owners  
1 29 may request reconsideration of the board's decision not to  
1 30 investigate a veterinarian.

LSB 1752HH (1) 84  
jr/nh



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**House File 93 - Introduced**

HOUSE FILE

BY M. SMITH, PETERSEN,  
ABDUL-SAMAD, HUNTER,  
LENSING,  
RUNNING-MARQUARDT,  
WESSEL-KROESCHELL,  
MASCHER, OLDSON,  
HEDDENS, ISENHART,  
HALL, KEARNS, KELLEY,  
GASKILL, HANSON, and  
STECKMAN

**A BILL FOR**

1 An Act relating to third-party payment of health care coverage  
2 costs for mental health conditions, including alcohol  
3 or substance abuse treatment services, creation of a  
4 mental health insurance advisory committee, and including  
5 applicability provisions and a repeal.

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

TL5B 1149HH (5) 84

av/nh



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1 1 Section 1. NEW SECTION. 514C.29 Mandated coverage for  
1 2 mental health conditions == mental health insurance advisory  
1 3 committee.  
1 4 1. For purposes of this section, unless the context  
1 5 otherwise requires:  
1 6 a. "Mental health condition" means a condition or disorder  
1 7 involving mental illness or alcohol or substance abuse as  
1 8 defined by the commissioner of insurance, by rule, consistent  
1 9 with conditions or disorders that fall under any of the  
1 10 diagnostic categories listed in the mental disorders section of  
1 11 the international classification of diseases, as periodically  
1 12 revised. The commissioner may adopt the lists or definitions  
1 13 provided in such classification of disease by reference.  
1 14 b. "Rates, terms, and conditions" means any lifetime  
1 15 payment limits, deductibles, copayments, coinsurance, and any  
1 16 other cost-sharing requirements, out-of-pocket limits, visit  
1 17 limitations, and any other financial component of benefits  
1 18 coverage that affects the covered individual.  
1 19 2. a. Notwithstanding section 514C.6, a policy, contract,  
1 20 or plan providing for third-party payment or prepayment of  
1 21 health or medical expenses shall provide coverage benefits for  
1 22 mental health conditions based on rates, terms, and conditions  
1 23 which are no more restrictive than the rates, terms, and  
1 24 conditions for coverage benefits provided for other health  
1 25 or medical conditions under the policy, contract, or plan.  
1 26 Additionally, any rates, terms, and conditions involving  
1 27 deductibles, copayments, coinsurance, and any other cost=  
1 28 sharing requirements shall be cumulative for coverage of both  
1 29 mental health conditions and other health or medical conditions  
1 30 under the policy, contract, or plan.  
1 31 b. Coverage required under this subsection shall be as  
1 32 follows:  
1 33 (1) For the treatment of mental illness, coverage shall be  
1 34 for services provided by a licensed mental health professional  
1 35 or services provided in a licensed hospital or health facility.



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2 1 (2) For the treatment of alcohol or substance abuse,  
2 2 coverage shall be for services provided by a substance  
2 3 abuse counselor, as approved by the department of human  
2 4 services; a licensed health facility providing a program for  
2 5 the treatment of alcohol or substance abuse approved by the  
2 6 department of human services; or a substance abuse treatment  
2 7 and rehabilitation facility, as licensed by the department of  
2 8 public health pursuant to chapter 125.

2 9 3. This section applies to the following classes of  
2 10 third-party payment provider contracts, policies, or plans  
2 11 delivered, issued for delivery, continued, or renewed in this  
2 12 state on or after January 1, 2012:

2 13 a. Individual or group accident and sickness insurance  
2 14 providing coverage on an expense-incurred basis.

2 15 b. An individual or group hospital or medical service  
2 16 contract issued pursuant to chapter 509, 514, or 514A.

2 17 c. A plan established pursuant to chapter 509A for public  
2 18 employees.

2 19 d. An individual or group health maintenance organization  
2 20 contract regulated under chapter 514B.

2 21 e. An individual or group Medicare supplemental policy,  
2 22 unless coverage pursuant to such policy is preempted by federal  
2 23 law.

2 24 f. Any other entity engaged in the business of insurance,  
2 25 risk transfer, or risk retention, which is subject to the  
2 26 jurisdiction of the commissioner.

2 27 g. An organized delivery system licensed by the director of  
2 28 public health.

2 29 4. The commissioner shall adopt rules to administer this  
2 30 section after consultation with the mental health insurance  
2 31 advisory committee.

2 32 a. The commissioner shall appoint members to a mental  
2 33 health insurance advisory committee. Members shall include all  
2 34 sectors of society impacted by issues associated with coverage  
2 35 of mental health treatment by third-party payors including



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3 1 but not limited to representatives of the insurance industry,  
3 2 small and large employers, employee representatives including  
3 3 labor, individual consumers, health care providers, and other  
3 4 groups and individuals that may be identified by the insurance  
3 5 division of the department of commerce.

3 6 b. The committee shall meet upon the request of the  
3 7 commissioner to review rules proposed under this section by the  
3 8 commissioner, and to make suggestions as appropriate.

3 9 Sec. 2. REPEAL. Section 514C.22, Code 2011, is repealed  
3 10 effective January 1, 2012.

3 11 EXPLANATION

3 12 This bill creates new Code section 514C.29 and provides that  
3 13 a policy, contract, or plan providing for third-party payment  
3 14 or prepayment of health or medical expenses must provide  
3 15 coverage benefits for mental health conditions based on rates,  
3 16 terms, and conditions which are no more restrictive than the  
3 17 rates, terms, and conditions associated with coverage benefits,  
3 18 provided for other conditions under the policy, contract, or  
3 19 plan. "Mental health conditions" are to be defined, by rule,  
3 20 by the commissioner of insurance consistent with conditions  
3 21 or disorders involving mental illness or alcohol or substance  
3 22 abuse that fall under any of the diagnostic categories  
3 23 listed in the mental disorders section of the international  
3 24 classification of diseases, as periodically updated.

3 25 The bill also requires the commissioner of insurance  
3 26 to adopt rules to administer the new Code section, after  
3 27 consultation with a new mental health insurance advisory  
3 28 committee, whose members are appointed by the commissioner from  
3 29 business, consumer, and health groups.

3 30 The bill applies to third-party payment provider contracts,  
3 31 policies, or plans delivered, issued forth for delivery,  
3 32 continued, or renewed in this state on or after January 1,  
3 33 2012.

3 34 Code section 514C.22, which currently mandates coverage  
3 35 for certain biologically based mental illnesses, is repealed



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4 1 effective January 1, 2012.  
LSB 1149HH (5) 84  
av/nh



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**House File 94 - Introduced**

HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HF 6)

**A BILL FOR**

1 An Act requiring the development of a searchable budget  
2 database and internet site for the public to access the  
3 details of the expenditure of state tax revenues and a  
4 searchable tax rate database and internet site for the  
5 public to access the details of each tax rate for all taxing  
6 districts in the state.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
   TLSB 1559HV (2) 84  
   tw/sc



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1 1 Section 1. Section 8.6, Code 2011, is amended by adding the  
1 2 following new subsection:

1 3 NEW SUBSECTION. 9A. Budget and tax rate databases. To  
1 4 develop and make available to the public a searchable budget  
1 5 database and internet site as required under chapter 8G,  
1 6 division I, and to develop and make available to the public  
1 7 a searchable tax rate database and internet site as required  
1 8 under chapter 8G, division II.

1 9 Sec. 2. NEW SECTION. 8G.1 Intent ==== findings.

1 10 The general assembly finds that taxpayers should be able to  
1 11 easily access the details on how the state is spending their  
1 12 tax dollars and the performance results achieved for those  
1 13 expenditures. Therefore, it is the intent of the general  
1 14 assembly to direct the department of management to create  
1 15 and maintain a searchable budget database and internet site  
1 16 detailing where tax dollars are expended, the purposes for  
1 17 which tax dollars are expended, and the results achieved for  
1 18 all taxpayer investments in state government.

1 19 Sec. 3. NEW SECTION. 8G.2 Short title.

1 20 This subchapter shall be known as and may be cited as the  
1 21 "Taxpayer Transparency Act".

1 22 Sec. 4. NEW SECTION. 8G.3 Definitions.

1 23 As used in this subchapter, unless the context otherwise  
1 24 requires:

1 25 1. "Agency" means a state department, office, board,  
1 26 commission, bureau, division, institution, or public  
1 27 institution of higher education. "Agency" includes individual  
1 28 state agencies and programs, as well as those programs and  
1 29 activities that are administered by or involve more than one  
1 30 agency. "Agency" includes all elective offices in the executive  
1 31 branch of government and the general assembly. "Agency"  
1 32 includes the judicial branch of state government.

1 33 2. "Director" means the director of the department of  
1 34 management.

1 35 3. "Entity" or "recipients" means any of the following:



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- 2 1 a. A corporation.
- 2 2 b. An association.
- 2 3 c. An employee union.
- 2 4 d. A limited liability company.
- 2 5 e. A limited liability partnership.
- 2 6 f. Any other legal business entity, including nonprofit
- 2 7 entities.
- 2 8 g. A grant recipient.
- 2 9 h. Contractors.
- 2 10 i. A county, city, school district, or other local
- 2 11 government entity.
- 2 12 "Entity" or "recipients" does not include an individual
- 2 13 recipient of state assistance.
- 2 14 4. "Funding action or expenditure" includes details on the
- 2 15 type of spending that is provided including but not limited
- 2 16 to grants, contracts, and appropriations. "Funding action
- 2 17 or expenditure" includes tax exemptions or credits. Where
- 2 18 possible, an electronic link to the actual grants or contracts
- 2 19 shall be provided. An electronic link shall be in a format
- 2 20 that is a searchable document.
- 2 21 5. "Funding source" means the state account or fund from
- 2 22 which the expenditure is appropriated.
- 2 23 6. "Searchable internet site" means an internet site
- 2 24 that allows the public at no cost to search and compile the
- 2 25 information identified in section 8G.4 and that provides such
- 2 26 information in a format capable of being downloaded from the
- 2 27 site to personal computers.
- 2 28 7. "State audit or report" shall include any audit or report
- 2 29 issued by the auditor of state, department of management,
- 2 30 legislative services agency, legislative committee, or
- 2 31 executive body relating to the entity or recipient of funds,
- 2 32 the budget program or activity, or agency.
- 2 33 Sec. 5. NEW SECTION. 8G.4 Searchable budget database
- 2 34 internet site created.
- 2 35 1. By January 1, 2013, the director shall develop and make



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3 1 publicly available a database internet site for searching,  
3 2 accessing, and processing data, including the data required in  
3 3 this section, for the most recent state budget. The internet  
3 4 site shall be developed in such a way that the information can  
3 5 be provided to other software applications, including internet  
3 6 software applications, in a manner and format that allows such  
3 7 software applications to access and interpret the data using  
3 8 the internal programming of the software applications.  
3 9 2. The searchable internet site developed pursuant to this  
3 10 section shall allow the public at no cost to search and compile  
3 11 the information provided pursuant to this subsection. Each  
3 12 state agency shall provide the following:  
3 13 a. Name and principal location or residence of the entity or  
3 14 recipient of state funds.  
3 15 b. Amount of state funds expended.  
3 16 c. Funding or expending agency.  
3 17 d. Funding source of the revenue expended.  
3 18 e. Budget program or activity of the expenditure.  
3 19 f. Descriptive purpose for the funding action or  
3 20 expenditure.  
3 21 g. Expected performance outcome for the funding action or  
3 22 expenditure.  
3 23 h. Past performance outcomes achieved for the funding action  
3 24 or expenditure.  
3 25 i. State audit or report relating to the entity or recipient  
3 26 of state funds or the budget program or activity or agency.  
3 27 j. Any other relevant information specified by the director.  
3 28 3. This section does not apply to local governments.  
3 29 Sec. 6. NEW SECTION. 8G.5 Internet site updates.  
3 30 1. Effective July 1, 2013, the internet site shall be  
3 31 updated for each fiscal year not later than thirty days  
3 32 following the close of the fiscal year. In addition, the  
3 33 director may update the internet site as new data becomes  
3 34 available. All agencies shall provide to the director data  
3 35 that is required to be included on the internet site not later



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4 1 than thirty days after the data becomes available to the  
4 2 agency. The director shall provide guidance to agency heads  
4 3 or the governing body of an agency to ensure compliance with  
4 4 this section.

4 5 2. By January 1, 2014, the director shall add data for  
4 6 the previous budgets to the internet site. Data for previous  
4 7 fiscal years may be added as it becomes available and as time  
4 8 permits. The director shall ensure that all data added to the  
4 9 internet site remain accessible to the public for a minimum of  
4 10 ten years.

4 11 Sec. 7. NEW SECTION. 8G.6 Noncompliance.

4 12 The director shall not be considered in compliance with this  
4 13 subchapter if the data required for the internet site is not  
4 14 available in a searchable manner and capable of being compiled  
4 15 or if the public is redirected to other government internet  
4 16 sites unless each of those sites displays information from  
4 17 all agencies and each category of information required can be  
4 18 searched electronically by field in a single search.

4 19 Sec. 8. NEW SECTION. 8G.10 Intent ===== findings.

4 20 The general assembly finds that increasing the ease of  
4 21 public access to state and local tax rates, particularly  
4 22 where the rates are currently available from disparate  
4 23 government sources and are difficult for the public to collect  
4 24 and efficiently aggregate, significantly contributes to  
4 25 governmental accountability, public participation, and the  
4 26 understanding of the cost of government services. Therefore,  
4 27 it is the intent of the general assembly to direct the  
4 28 department of management, in consultation with the department  
4 29 of revenue, to create and maintain a searchable database and  
4 30 internet site of each tax rate for all taxing districts in the  
4 31 state to make citizen access to state and local tax rates as  
4 32 open, transparent, and publicly accessible as is feasible.

4 33 Sec. 9. NEW SECTION. 8G.11 Short title.

4 34 This subchapter shall be known and cited as the "Taxation  
4 35 Disclosure Act".





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6 1 internet site. This internet site would allow the public at  
6 2 no cost to search an aggregated database that would provide  
6 3 the names and principal location or residence of recipients of  
6 4 state funds, amount of funds expended, the agency that provided  
6 5 those funds, the program or activity of the expenditure,  
6 6 description of the purpose of the expenditure, expected and  
6 7 past outcomes of funding actions or expenditures, state audits  
6 8 relating to expenditures, and other relevant information. The  
6 9 bill specifies that "recipient" does not include an individual  
6 10 recipient of state assistance.

6 11 The bill provides that, effective July 1, 2013, the  
6 12 searchable budget database internet site is to be updated  
6 13 within 30 days of the end of each fiscal year. By January 1,  
6 14 2014, data is to be added for previous fiscal years.

6 15 The second subchapter requires the department of management,  
6 16 in consultation with the department of revenue, by January 1,  
6 17 2012, to develop and operate on an internet site a searchable  
6 18 database of all the tax rates in the state for each taxing  
6 19 district. The database shall include the capability to  
6 20 calculate tax rates for different taxing districts.

LSB 1559HV (2) 84

tw/sc



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HOUSE FILE  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HF 8)

**A BILL FOR**

1 An Act establishing a requirement for voters to provide certain  
2 identification when voting in person and including effective  
3 date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1214HV (2) 84  
sc/nh



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1 1 Section 1. Section 48A.7A, subsection 1, paragraph a, Code  
1 2 2011, is amended to read as follows:

1 3 a. A person who is eligible to register to vote and to vote  
1 4 may register on election day by appearing in person at the  
1 5 polling place for the precinct in which the individual resides  
1 6 and completing a voter registration application, making written  
1 7 oath, and providing proof of identity and ~~residence~~ proof of  
1 8 residence pursuant to paragraph "b".

1 9 Sec. 2. Section 48A.7A, subsection 1, paragraph b, Code  
1 10 2011, is amended to read as follows:

1 11 b. (1) For purposes of this section, a person may establish  
1 12 identity ~~and residence by presenting to the appropriate~~  
~~1 13 precinct election official a current and valid Iowa driver's~~  
~~1 14 license or Iowa nonoperator's identification card or by~~  
~~1 15 presenting any of the following current and valid forms of~~  
~~1 16 identification if such identification contains the person's~~  
~~1 17 photograph and a validity expiration date: by showing proof of~~  
1 18 identification as required in section 49.77, subsection 3.

1 19 (a) ~~An out-of-state driver's license or nonoperator's~~  
~~1 20 identification card.~~

1 21 (b) ~~A United States passport.~~

1 22 (c) ~~A United States military identification card.~~

1 23 (d) ~~An identification card issued by an employer.~~

1 24 (e) ~~A student identification card issued by an Iowa high~~  
~~1 25 school or an Iowa postsecondary educational institution.~~

1 26 (2) ~~If the photographic identification presented does not~~  
~~1 27 contain the person's current address in the precinct, For~~  
1 28 purposes of this section, a person may establish residence  
1 29 using proof of identification presented pursuant to section  
1 30 49.77, subsection 3, if the proof of identification contains  
1 31 the person's current address in the precinct. If the proof of  
1 32 identification does not contain the person's current address  
1 33 in the precinct, the person shall also present one of the  
1 34 following documents that shows the person's name and current  
1 35 address in the precinct:



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- 2 1 (a) Residential lease.  
2 2 (b) Property tax statement.  
2 3 (c) Utility bill.  
2 4 (d) Bank statement.  
2 5 (e) Paycheck.  
2 6 (f) Government check.  
2 7 (g) Other government document.  
2 8 Sec. 3. Section 48A.7A, subsection 1, paragraph c, Code  
2 9 2011, is amended by striking the paragraph.  
2 10 Sec. 4. Section 48A.7A, subsections 2 and 3, Code 2011, are  
2 11 amended to read as follows:  
2 12 2. The oath required in subsection 1, paragraph "a", ~~and in~~  
~~2 13 paragraph "c", if applicable,~~ shall be attached to the voter  
2 14 registration application.  
2 15 3. At any time before election day, and after the deadline  
2 16 for registration in section 48A.9, a person who appears in  
2 17 person at the commissioner's office or at a satellite absentee  
2 18 voting station or whose ballot is delivered to a health care  
2 19 facility pursuant to section 53.22 may register to vote and  
2 20 vote an absentee ballot by following the procedure in this  
2 21 section for registering to vote on election day. A person who  
2 22 wishes to vote in person at the polling place on election day  
2 23 and who has not registered to vote before the deadline for  
2 24 registering in section 48A.9, is required to register to vote  
2 25 at the polling place on election day following the procedure  
2 26 in this section. However, the person may complete the voter  
2 27 registration application at the commissioner's office and,  
2 28 after the commissioner has reviewed the completed application,  
2 29 may present the application to the appropriate precinct  
2 30 election official along with proof of ~~identity and residency~~  
~~2 31 identification and proof of residence.~~  
2 32 Sec. 5. Section 48A.7A, subsection 4, paragraph b, Code  
2 33 2011, is amended by striking the paragraph.  
2 34 Sec. 6. Section 48A.8, subsection 2, unnumbered paragraph  
2 35 1, Code 2011, is amended to read as follows:



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3 1 An eligible elector who registers by mail and who has  
3 2 not previously voted in an election for federal office in  
3 3 the county of registration shall be required to provide  
3 4 additional identification documents when voting for the first  
3 5 time in the county, unless the registrant provided on the  
3 6 registration form the registrant's Iowa driver's license  
3 7 number, or the registrant's Iowa nonoperator's identification  
3 8 card number, or the last four numerals of the registrant's  
3 9 social security number and the driver's license, nonoperator's  
3 10 identification, or partial social security number matches  
3 11 an existing state or federal identification record with the  
3 12 same number, name, and date of birth. If the registrant  
3 13 is required to show additional identification under this  
3 14 subsection and votes in person at the polls, or by absentee  
3 15 ballot at the commissioner's office or at a satellite voting  
3 16 station, the registrant shall provide a current and valid  
3 17 photo identification card, or shall present to the appropriate  
3 18 election official one of the following current documents that  
3 19 shows the name and address of the registrant:  
3 20     Sec. 7. Section 48A.8, subsection 4, Code 2011, is amended  
3 21 to read as follows:  
3 22     4. A registrant under subsection 2 who is required to  
3 23 present additional identification when casting a ballot in  
3 24 person shall be permitted to vote a provisional ballot if the  
3 25 voter does not provide the required additional identification  
3 26 documents pursuant to subsection 2. If a voter who is required  
3 27 to present such additional identification when casting a ballot  
3 28 votes an absentee ballot by mail, the ballot returned by the  
3 29 voter shall be considered a provisional ballot pursuant to  
3 30 sections 49.81 and 53.31.  
3 31     Sec. 8. Section 48A.27, subsection 4, paragraph c,  
3 32 subparagraph (2), Code 2011, is amended to read as follows:  
3 33     (2) The notice shall contain a statement in substantially  
3 34 the following form:



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4 1 Information received from the United States postal service  
4 2 indicates that you are no longer a resident of, and therefore  
4 3 not eligible to vote in (name of county) County, Iowa. If this  
4 4 information is not correct, and you still live in (name of  
4 5 county) County, please complete and mail the attached postage  
4 6 paid card at least ten days before the primary or general  
4 7 election and at least eleven days before any other election at  
4 8 which you wish to vote. If the information is correct and you  
4 9 have moved, please contact a local official in your new area  
4 10 for assistance in registering there. ~~If you do not mail in~~  
~~4 11 the card, you may be required to show identification before~~  
~~4 12 being allowed to vote in (name of county) County.~~ If you do not  
4 13 return the card, and you do not vote in an election in (name  
4 14 of county) County, Iowa, on or before (date of second general  
4 15 election following the date of the notice) your name will be  
4 16 removed from the list of voters in that county.  
4 17 Sec. 9. Section 48A.29, subsection 1, paragraph b, Code  
4 18 2011, is amended to read as follows:  
4 19 b. The notice shall contain a statement in substantially the  
4 20 following form:  
4 21 Information received from the United States postal service  
4 22 indicates that you are no longer a resident of (residence  
4 23 address) in (name of county) County, Iowa. If this information  
4 24 is not correct, and you still live in (name of county) County,  
4 25 please complete and mail the attached postage paid card at  
4 26 least ten days before the primary or general election and at  
4 27 least eleven days before any other election at which you wish  
4 28 to vote. If the information is correct, and you have moved,  
4 29 please contact a local official in your new area for assistance  
4 30 in registering there. ~~If you do not mail in the card, you may~~  
~~4 31 be required to show identification before being allowed to vote~~  
~~4 32 in (name of county) County.~~ If you do not return the card, and  
4 33 you do not vote in some election in (name of county) County,  
4 34 Iowa, on or before (date of second general election following



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5 1 the date of the notice) your name will be removed from the list  
5 2 of voters in that county.

5 3 Sec. 10. Section 48A.29, subsection 3, paragraph b, Code  
5 4 2011, is amended to read as follows:

5 5 b. The notice shall contain a statement in substantially the  
5 6 following form:

5 7 Information received by this office indicates that you are no  
5 8 longer a resident of (residence address) in (name of county)

5 9 County, Iowa. If the information is not correct, and you still  
5 10 live at that address, please complete and mail the attached

5 11 postage paid card at least ten days before the primary or  
5 12 general election and at least eleven days before any other

5 13 election at which you wish to vote. If the information is  
5 14 correct, and you have moved within the county, you may update

5 15 your registration by listing your new address on the card and  
5 16 mailing it back. If you have moved outside the county, please

5 17 contact a local official in your new area for assistance in  
5 18 registering there. ~~If you do not mail in the card, you may be~~

~~5 19 required to show identification before being allowed to vote in  
5 20 (name of county) County. If you do not return the card, and you~~

5 21 do not vote in some election in (name of county) County, Iowa,  
5 22 on or before (date of second general election following the

5 23 date of the notice) your name will be removed from the list of  
5 24 registered voters in that county.

5 25 Sec. 11. Section 49.77, subsection 3, Code 2011, is amended  
5 26 by striking the subsection and inserting in lieu thereof the

5 27 following:

5 28 3. a. A precinct election official shall require the voter  
5 29 to produce for inspection proof of identification before being

5 30 allowed to sign the voter roster or declaration of eligibility.  
5 31 b. For purposes of this section, "proof of identification"

5 32 refers to a document that satisfies all of the following:

5 33 (1) The document shows the name of the individual to whom  
5 34 the document was issued which shall conform to the name on the

5 35 election register.



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6 1 (2) The document shows a photograph of the individual to  
6 2 whom it was issued.

6 3 (3) If the document contains an expiration date, the  
6 4 document shall not have expired more than sixty days before the  
6 5 document is presented as proof of identification.

6 6 (4) The document was issued by the government of the United  
6 7 States or the state of Iowa, including documents issued by an  
6 8 institution governed by the state board of regents.

6 9 c. If a voter is unable or refuses to present proof of  
6 10 identification or the precinct election official determines the  
6 11 proof of identification provided by the voter does not qualify  
6 12 as proof of identification under paragraph "b", the precinct  
6 13 election official shall challenge the voter as provided in  
6 14 section 49.79. If the voter is challenged under this paragraph  
6 15 "c", the voter shall be offered the option to vote a ballot, but  
6 16 only in accordance with section 49.81.

6 17 Sec. 12. Section 49.77, Code 2011, is amended by adding the  
6 18 following new subsection:

6 19 NEW SUBSECTION. 3A. If proof of identification is  
6 20 established under subsection 3 to the satisfaction of the  
6 21 precinct election officials, the person may then be allowed to  
6 22 vote.

6 23 Sec. 13. Section 49.77, subsection 4, paragraphs a and b,  
6 24 Code 2011, are amended to read as follows:

6 25 a. A person whose name does not appear on the election  
6 26 register of the precinct in which that person claims the right  
6 27 to vote shall not be permitted to vote, unless the person  
6 28 affirms that the person is currently registered in the county  
6 29 and presents proof of identity, ~~or the commissioner informs~~  
~~6 30 the precinct election officials that an error has occurred~~  
~~6 31 and that the person is a registered voter of that precinct~~  
~~6 32 identification pursuant to subsection 3.~~ If the commissioner  
6 33 finds no record of the person's registration but the person  
6 34 insists that the person is a registered voter of that precinct,  
6 35 the precinct election officials shall allow the person to cast



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7 1 a ballot in the manner prescribed by section 49.81.  
7 2 b. If the voter informs the precinct election official that  
7 3 the voter resides in the precinct and is not registered to  
7 4 vote, the voter may register to vote pursuant to section 48A.7A  
7 5 and cast a ballot. If such a voter is unable to establish  
7 6 identity and residency in the manner provided in section  
7 7 48A.7A, subsection 1, paragraph "b" ~~or "c"~~, the voter shall be  
7 8 allowed to cast a ballot in the manner prescribed by section  
7 9 49.81.  
7 10 Sec. 14. Section 49.79, subsection 2, Code 2011, is amended  
7 11 by adding the following new paragraph:  
7 12 NEW PARAGRAPH. h. The challenged person was unable or  
7 13 refused to provide proof of identification, or provided  
7 14 insufficient proof of identification, pursuant to section  
7 15 49.77, subsection 3.  
7 16 Sec. 15. Section 49.81, subsection 1, Code 2011, is amended  
7 17 to read as follows:  
7 18 1. A prospective voter who is prohibited under section  
7 19 48A.8, subsection 4, section 49.77, subsection 3 or 4, section  
7 20 49.80, or section 53.19, subsection 3, from voting except under  
7 21 this section shall be notified by the appropriate precinct  
7 22 election official that the voter may cast a provisional  
7 23 ballot. The voter shall mark the ballot and immediately  
7 24 seal it in an envelope of the type prescribed by subsection  
7 25 4. The voter shall deliver the sealed envelope to a precinct  
7 26 election official who shall deposit it in an envelope marked  
7 27 "provisional ballots". The ballot shall be considered as  
7 28 having been cast in the special precinct established by section  
7 29 53.20 for purposes of the postelection canvass.  
7 30 Sec. 16. Section 49.81, subsection 2, paragraph b, Code  
7 31 2011, is amended to read as follows:  
7 32 b. If the person is casting a provisional ballot because the  
7 33 person ~~failed~~ was unable or refused to provide a required form  
7 34 of identification under section 48A.7A, subsection 1, section  
7 35 48A.8, subsection 4, or section 49.77, subsection 3, a list of



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8 1 the types of acceptable identification and notification that  
8 2 the person must show identification before the ballot can be  
8 3 counted. If a voter is unable or refuses to show proof of  
8 4 identification required under section 49.77, subsection 3,  
8 5 the notification shall also inform the voter of the right to  
8 6 execute an affidavit pursuant to subsection 5.

8 7 Sec. 17. Section 49.81, Code 2011, is amended by adding the  
8 8 following new subsection:

8 9 NEW SUBSECTION. 5. a. If a voter casts a provisional  
8 10 ballot pursuant to section 49.77, subsection 3, the precinct  
8 11 election official shall indicate on the provisional ballot  
8 12 envelope that the voter was challenged for the voter's  
8 13 inability or refusal to provide proof of identification.

8 14 b. No later than noon on the Monday following the election,  
8 15 a voter challenged pursuant to section 49.77, subsection 3,  
8 16 paragraph "c", shall appear at the commissioner's office  
8 17 and execute an affidavit in the form prescribed by the state  
8 18 commissioner, affirming that the voter is the same individual  
8 19 who personally appeared before the precinct election board and  
8 20 cast the provisional ballot on election day. The voter must  
8 21 also present proof of identification required by section 49.77,  
8 22 subsection 3, or further affirm either of the following:

8 23 (1) The voter is indigent and unable to obtain proof of  
8 24 identification without the payment of a fee.

8 25 (2) The voter has a religious objection to being  
8 26 photographed.

8 27 c. If the board determines that the voter has been  
8 28 challenged solely for the inability or refusal of the voter to  
8 29 provide proof of identification and the voter presents proof  
8 30 of identification or executes the affidavit, as provided in  
8 31 paragraph "b", the board shall find that the provisional ballot  
8 32 is valid and direct that it be counted.

8 33 Sec. 18. Section 53.10, subsection 2, Code 2011, is amended  
8 34 to read as follows:

8 35 2. Each person who wishes to vote by absentee ballot at



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9 1 the commissioner's office shall first sign an application for  
9 2 a ballot including the following information: name, current  
9 3 address, and the election for which the ballot is requested.  
9 4 The person may report a change of address or other information  
9 5 on the person's voter registration record at that time. The  
9 6 person must also provide proof of identification pursuant to  
9 7 section 49.77, subsection 3, before receiving an absentee  
9 8 ballot. Upon receipt of a ballot, the registered voter  
9 9 shall immediately mark the ballot; enclose the ballot in a  
9 10 secrecy envelope, if necessary, and seal it in an affidavit  
9 11 envelope; subscribe to the affidavit on the reverse side of the  
9 12 envelope; and return the absentee ballot to the commissioner.  
9 13 The commissioner shall record the numbers appearing on the  
9 14 application and affidavit envelope along with the name of the  
9 15 registered voter.

9 16 Sec. 19. Section 53.22, subsection 1, Code 2011, is amended  
9 17 by adding the following new paragraph:

9 18 NEW PARAGRAPH. d. Before receiving a ballot under  
9 19 this subsection, each applicant shall present proof of  
9 20 identification pursuant to section 49.77, subsection 3, to the  
9 21 special precinct election board members. If an applicant is  
9 22 unable to present proof of identification, the voter's ballot  
9 23 shall be considered a provisional ballot cast pursuant to  
9 24 section 49.81, and the special precinct election board members  
9 25 shall give the voter an opportunity to execute an affidavit  
9 26 in a form prescribed by the state commissioner affirming  
9 27 either of the reasons listed in section 49.81, subsection 5,  
9 28 paragraph "b", or that the voter is confined to the health care  
9 29 facility or hospital and therefore unable to obtain proof of  
9 30 identification.

9 31 Sec. 20. Section 144.46, Code 2011, is amended by adding the  
9 32 following new subsection:

9 33 NEW SUBSECTION. 3. The fees adopted by the department  
9 34 pursuant to subsection 1 shall not be assessed to applicants  
9 35 who execute an affidavit indicating the applicant is obtaining



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10 1 a certified copy of a birth certificate for the purpose of  
10 2 obtaining an Iowa nonoperator's identification card to be used  
10 3 for voting.

10 4 Sec. 21. Section 321.190, subsection 1, paragraph d, Code  
10 5 2011, is amended to read as follows:

10 6 d. The fee for a nonoperator's identification card shall  
10 7 be five dollars and the card shall be valid for a period  
10 8 of five years from the date of issuance. A nonoperator's  
10 9 identification card shall be issued without expiration  
10 10 to anyone age seventy or over. If an applicant for a  
10 11 nonoperator's identification card is a foreign national  
10 12 who is temporarily present in this state, the nonoperator's  
10 13 identification card shall be issued only for the length of time  
10 14 the foreign national is authorized to be present as determined  
10 15 by the department, not to exceed two years. An issuance fee  
10 16 shall not be charged for a person whose driver's license or  
10 17 driving privilege has been suspended under section 321.210,  
10 18 subsection 1, paragraph "a", subparagraph (3), or for a person  
10 19 obtaining an identification card to be used under section  
10 20 49.77, subsection 3, for voting purposes.

10 21 Sec. 22. EFFECTIVE DATE AND APPLICABILITY. This Act takes  
10 22 effect January 1, 2012, and applies to elections held on or  
10 23 after that date.

10 24 EXPLANATION

10 25 This bill requires that all voters show proof of  
10 26 identification, as defined in the bill, before being allowed  
10 27 to vote at the polls or to vote an absentee ballot in person  
10 28 at the commissioner's office or at a satellite absentee voting  
10 29 station.

10 30 The bill allows a voter to cast a provisional ballot in  
10 31 certain circumstances where the voter is unable to provide or  
10 32 refuses to provide the required proof of identification. If  
10 33 a voter casts a provisional ballot for this reason, the voter  
10 34 has until the Monday following the election to appear at the  
10 35 commissioner's office to present proof of identification or to



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11 1 execute an affidavit.

11 2       The bill amends Code section 48A.7A, relating to election  
11 3 day and in-person absentee voter registration, to require that  
11 4 the forms of identification necessary to register in this  
11 5 manner are the same forms of proof of identification necessary  
11 6 to vote. The bill retains the current requirement that if the  
11 7 proof of identification offered for election day and in-person  
11 8 absentee registration does not contain a current address, the  
11 9 registrant must provide proof of residency.

11 10       Code section 48A.7A is also amended to strike the provision  
11 11 allowing another registered voter to sign an oath affirming a  
11 12 registrant's identity and residency.

11 13       The bill makes corresponding amendments regarding  
11 14 identification requirements for certain persons who register to  
11 15 vote by mail and for registered voters who do not respond to a  
11 16 confirmation card sent by the county commissioner of elections.

11 17       The bill amends Code section 144.46, relating to obtaining  
11 18 a certified copy of a birth certificate, to provide that the  
11 19 fee for the document shall not be charged to a person who  
11 20 executes an affidavit indicating the applicant is obtaining  
11 21 the birth certificate in order to obtain an Iowa nonoperator's  
11 22 identification card for the purposes of voting. The bill also  
11 23 amends Code section 321.190 to provide that a person obtaining  
11 24 an Iowa nonoperator's identification card for the purposes of  
11 25 voting is not required to pay an issuance fee for the card.

11 26       The bill takes effect January 1, 2012, and applies to  
11 27 elections held on or after that date.



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**House Study Bill 23**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON MILLER)

**A BILL FOR**

1 An Act relating to restrictions for drug product selection  
2 relative to antiepileptic drugs.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1836HC (1) 84  
pf/nh



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1 1 Section 1. Section 155A.32, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. a. The pharmacist shall not exercise  
1 4 the drug product selection described in this section for  
1 5 an antiepileptic drug or formulation of an antiepileptic  
1 6 drug, whether brand name or generic name, prescribed for the  
1 7 treatment of epilepsy, prior to meeting all of the following  
1 8 requirements:

1 9 (1) Providing notification to the patient or the patient's  
1 10 representative.

1 11 (2) Providing notification to the authorized prescriber.

1 12 b. For the purposes of this subsection, "notification"  
1 13 shall require the pharmacist to provide written or documented  
1 14 verbal communication to the prescriber and patient or patient's  
1 15 representative at the time the drug is dispensed. Notification  
1 16 to the patient shall include informing the patient or patient's  
1 17 representative of the patient's right to reject the drug being  
1 18 dispensed.

1 19 c. If any part of the prescription under this subsection  
1 20 will be paid by expenditure of public funds authorized under  
1 21 chapter 249A, the rules, policies, and procedures applicable  
1 22 to prescription drugs under that chapter shall apply to a  
1 23 prescription under this subsection.

1 24 d. This subsection shall apply if the patient's condition is  
1 25 being treated with a specific drug, strength, dosage form, and  
1 26 dosing regimen from a specific manufacturer.

1 27 e. For the purposes of this subsection, drug product  
1 28 selection includes dispensing the antiepileptic drug of  
1 29 another manufacturer instead of the antiepileptic drug of the  
1 30 manufacturer which the patient is currently prescribed, and  
1 31 substituting a generic version for a brand version, a brand  
1 32 version for a generic version, or a generic version for a  
1 33 generic version of a different manufacturer.

1 34 EXPLANATION

1 35 This bill provides an exception to authorization of drug



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2 1 product selection by pharmacists by prohibiting such drug  
2 2 product selection for an antiepileptic drug or formulation  
2 3 of an antiepileptic drug, whether brand name or generic  
2 4 name, prescribed for the treatment of epilepsy, unless the  
2 5 pharmacist first provides notification to the patient or the  
2 6 patient's representative and to the authorized prescriber. The  
2 7 bill specifies the requirements for providing notification,  
2 8 under what conditions the bill applies, and what drug product  
2 9 selection includes under the bill. The bill also provides that  
2 10 if any part of the prescription will be paid by expenditure of  
2 11 public funds authorized under Code chapter 249A (Medicaid),  
2 12 the rules, policies, and procedures applicable to prescription  
2 13 drugs under Code chapter 249A are to apply to the prescription.



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**House Study Bill 24**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON MILLER)

**A BILL FOR**

1 An Act relating to professions which may practice together  
2 in professional limited liability companies and including  
3 effective and applicability date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1503YC (3) 84  
jr/nh



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1 1 Section 1. Section 489.1101, subsection 4, Code 2011, is  
1 2 amended to read as follows:  
1 3 4. "Profession" means the profession of certified public  
1 4 accountancy, architecture, chiropractic, dentistry, physical  
1 5 therapy, practice as a physician assistant, psychology,  
1 6 professional engineering, land surveying, landscape  
1 7 architecture, law, medicine and surgery, optometry, osteopathic  
1 8 medicine and surgery, accounting practitioner, podiatry, real  
1 9 estate brokerage, speech pathology, audiology, veterinary  
1 10 medicine, pharmacy, nursing, or marital and family therapy,  
1 11 provided that the marital and family therapist is licensed  
1 12 under chapters 147 and 154D.  
1 13 Sec. 2. Section 489.1102, Code 2011, is amended to read as  
1 14 follows:  
1 15 489.1102 Purposes and powers.  
1 16 1. A professional limited liability company shall be  
1 17 organized only for the purpose of engaging in the practice of  
1 18 one specific profession, or two or more specific professions  
1 19 which could lawfully be practiced in combination by a licensed  
1 20 individual or a partnership of licensed individuals, and for  
1 21 the additional purpose of doing all lawful things which may be  
1 22 incidental to or necessary or convenient in connection with the  
1 23 practice of the profession or professions. The certificate of  
1 24 organization of a professional limited liability company shall  
1 25 state in substance that the purposes for which the professional  
1 26 limited liability company is organized are to engage in the  
1 27 general practice of a specified profession or professions, or  
1 28 one or more specified branches or divisions thereof, and to do  
1 29 all lawful things which may be incidental to or necessary or  
1 30 convenient in connection with the practice of the profession  
1 31 or professions.  
1 32 2. a. For purposes of this section, medicine and surgery,  
1 33 osteopathic medicine and surgery, and practice as a physician  
1 34 assistant shall be deemed to be professions which could  
1 35 lawfully be practiced in combination by licensed individuals or



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2 1 a partnership of licensed individuals.

2 2 b. Nothing in this section shall be construed to expand  
2 3 the scope of practice of a physician assistant or modify the  
2 4 requirement in section 148C.4 that a physician assistant  
2 5 perform medical services under the supervision of a licensed  
2 6 physician.

2 7 Sec. 3. Section 489.1105, Code 2011, is amended to read as  
2 8 follows:

2 9 489.1105 Practice by professional limited liability company.

2 10 1. Notwithstanding any other statute or rule of law,  
2 11 a professional limited liability company may practice a  
2 12 profession, but may do so in this state only through a member,  
2 13 manager, employee, or agent, who is licensed to practice  
2 14 the same profession in this state. In its practice of a  
2 15 profession, a professional limited liability company shall not  
2 16 do any act which could not lawfully be done by an individual  
2 17 licensed to practice the profession which the professional  
2 18 limited liability company is authorized to practice.

2 19 2. a. This section shall not prohibit persons practicing  
2 20 medicine and surgery, persons practicing osteopathic medicine  
2 21 and surgery, or persons practicing as physician assistants from  
2 22 practicing their respective professions in lawful combination  
2 23 pursuant to section 489.1102.

2 24 b. Nothing in this section shall be construed to expand  
2 25 the scope of practice of a physician assistant or modify the  
2 26 requirement in section 148C.4 that a physician assistant  
2 27 perform medical services under the supervision of a licensed  
2 28 physician.

2 29 Sec. 4. Section 489.1114, Code 2011, is amended to read as  
2 30 follows:

2 31 489.1114 Management.

2 32 All managers of a professional limited liability company  
2 33 shall at all times be individuals who are licensed to  
2 34 practice a profession in this state or a lawful combination of  
2 35 professions pursuant to section 489.1102, which the limited





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**House Study Bill 25**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON MILLER)

**A BILL FOR**

1 An Act allowing an advanced registered nurse practitioner to  
2 sign a death certificate.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1883HC (4) 84  
jr/nh



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1 1 Section 1. Section 142C.8, subsection 10, Code 2011, is  
1 2 amended to read as follows:  
1 3 10. The physician or advanced registered nurse practitioner  
1 4 who attends the decedent at death and the physician or advanced  
1 5 registered nurse practitioner who determines the time of  
1 6 death shall not participate in the procedures for removing or  
1 7 transplanting a part from the decedent.

1 8 Sec. 2. Section 144.26, subsection 1, Code 2011, is amended  
1 9 to read as follows:

1 10 1. A death certificate for each death which occurs in this  
1 11 state shall be filed as directed by the state registrar within  
1 12 three days after the death and prior to final disposition,  
1 13 and shall be registered by the county registrar if it has  
1 14 been completed and filed in accordance with this chapter. A  
1 15 death certificate shall include the social security number, if  
1 16 provided, of the deceased person. All information including  
1 17 the certifying physician's or advanced registered nurse  
1 18 practitioner's name shall be typewritten.

1 19 Sec. 3. Section 144.28, subsection 1, paragraphs b and e,  
1 20 Code 2011, are amended to read as follows:

1 21 b. Unless there is a nonnatural cause of death, the medical  
1 22 certification shall be completed and signed by the physician  
1 23 or advanced registered nurse practitioner in charge of the  
1 24 patient's care for the illness or condition which resulted  
1 25 in death within seventy-two hours after receipt of the death  
1 26 certificate from the funeral director or individual who  
1 27 initially assumes custody of the body.

1 28 e. If upon inquiry into a death, the county or state medical  
1 29 examiner determines that a preexisting natural disease or  
1 30 condition was the likely cause of death and that the death does  
1 31 not affect the public interest as described in section 331.802,  
1 32 subsection 3, the medical examiner may elect to defer to the  
1 33 physician or advanced registered nurse practitioner in charge  
1 34 of the patient's preexisting condition the certification of the  
1 35 cause of death.



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House Study Bill 25 continued

2 1 Sec. 4. Section 144.30, Code 2011, is amended to read as  
2 2 follows:  
2 3 144.30 Funeral director's duty ==== fetal death certificate.  
2 4 The funeral director who first assumes custody of a fetus  
2 5 shall file the fetal death certificate. In the absence  
2 6 of such a person, the physician, advanced registered nurse  
2 7 practitioner, or other person in attendance at or after the  
2 8 delivery shall file the certificate of fetal death. The person  
2 9 filing the certificate shall obtain the personal data from the  
2 10 next of kin or the best qualified person or source available  
2 11 and shall obtain the medical certification of cause of death  
2 12 from the person responsible for completing the certification.  
2 13 When a person other than a funeral director assumes custody of  
2 14 a fetus, the person shall be responsible for carrying out the  
2 15 provisions of this section.

2 16 Sec. 5. Section 144.31, Code 2011, is amended to read as  
2 17 follows:  
2 18 144.31 Medical certification ==== fetal death.  
2 19 1. The medical certification for a fetal death shall be  
2 20 completed within seventy=two hours after delivery by the  
2 21 physician or advanced registered nurse practitioner in  
2 22 attendance at or after delivery except when inquiry is required  
2 23 by the county medical examiner.

2 24 2. When a fetal death occurs without medical attendance  
2 25 upon the mother at or after delivery or when inquiry is  
2 26 required by the county medical examiner, the medical examiner  
2 27 shall investigate the cause of fetal death and shall complete  
2 28 the medical certification within seventy=two hours after  
2 29 taking charge of the case. The person completing the medical  
2 30 certification of cause of fetal death shall attest to its  
2 31 accuracy either by signature or as authorized by rule.

2 32 EXPLANATION  
2 33 This bill allows an advanced registered nurse practitioner  
2 34 to sign a death certificate, unless there is a nonnatural cause  
2 35 of death.

LSB 1883HC (4) 84  
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**House Study Bill 26**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON MILLER)

**A BILL FOR**

1 An Act relating to notice of claim and certificate of merit  
2 requirements in medical malpractice actions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1981YC (2) 84  
rh/nh



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1 1 Section 1. NEW SECTION. 147.140 Notice of claim and  
1 2 certificate of merit requirement.  
1 3 1. Within sixty days of filing a civil action for personal  
1 4 injury or wrongful death against a licensed health care  
1 5 provider, based upon the alleged negligence of the licensed  
1 6 health care provider in the practice of that profession,  
1 7 a plaintiff shall serve by certified mail, return receipt  
1 8 requested, a notice of claim upon the licensed health care  
1 9 provider. The notice of claim shall include a statement of the  
1 10 theory of liability upon which the cause of action is based  
1 11 and include a list of all persons to whom notices have been  
1 12 sent, together with a certificate of merit, if necessary, as  
1 13 specified in subsection 2.  
1 14 2. a. The certificate of merit shall be signed under oath  
1 15 by an expert who, in the three years preceding the allegedly  
1 16 negligent act, either practiced or instructed in the same or  
1 17 substantially similar field of medicine as the defendant.  
1 18 b. The certificate of merit shall contain information  
1 19 relating to all of the following:  
1 20 (1) The expert's name, address, and qualifications.  
1 21 (2) The expert's familiarity with the applicable standard  
1 22 of care.  
1 23 (3) The expert's statement that the appropriate standard  
1 24 of care was breached by the health care provider named in the  
1 25 complaint.  
1 26 (4) The expert's statement of the actions that the health  
1 27 care provider should have taken or failed to take to have  
1 28 complied with the standard of care.  
1 29 (5) A statement of the manner in which the breach of the  
1 30 standard of care was the cause of the injury alleged in the  
1 31 complaint.  
1 32 c. A separate certificate of merit shall be completed for  
1 33 each defendant named in the notice of claim.  
1 34 d. If a plaintiff or plaintiff's counsel asserts in good  
1 35 faith that the plaintiff has insufficient time to obtain a



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2 1 certificate of merit prior to the expiration of the period of  
2 2 limitation in subsection 1, the plaintiff shall provide notice  
2 3 of intent to provide a certificate of merit to the defendant  
2 4 within sixty days of the date the defendant receives the notice  
2 5 of the claim.

2 6 3. Notwithstanding subsection 2, if a plaintiff believes  
2 7 that a certificate of merit is not necessary because the  
2 8 plaintiff's cause of action against a health care provider  
2 9 is based upon a res ipsa loquitur theory of liability which  
2 10 does not require expert testimony supporting a breach of  
2 11 the applicable standard of care, the plaintiff shall file a  
2 12 statement setting forth the basis for the alleged res ipsa  
2 13 loquitur liability of the health care provider in lieu of the  
2 14 certificate of merit.

2 15 4. Except as otherwise provided in this section, the  
2 16 applicable statute of limitations in a civil cause of action  
2 17 against a health care provider upon whom a notice of claim is  
2 18 served pursuant to this section shall be tolled from the date  
2 19 the notice of claim is mailed.

2 20 5. If the plaintiff fails to provide a notice of claim and  
2 21 a certificate of merit, or a statement of the legal theory upon  
2 22 which the claim is based, the claim shall be dismissed without  
2 23 prejudice.

2 24 6. For purposes of this section, "health care provider"  
2 25 means a physician or surgeon, osteopath, osteopathic physician  
2 26 or surgeon, dentist, podiatric physician, optometrist,  
2 27 pharmacist, chiropractor, or nurse licensed in this state, a  
2 28 hospital licensed pursuant to chapter 135B, or a health care  
2 29 facility licensed pursuant to chapter 135C.

2 30 EXPLANATION

2 31 This bill relates to notice of claim and certificate of merit  
2 32 requirements in an action for medical malpractice.

2 33 The bill provides that within 60 days of filing a civil  
2 34 action for personal injury or wrongful death against a  
2 35 health care provider, based upon the alleged negligence of



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3 1 the licensed health care provider in the practice of that  
3 2 profession, a plaintiff shall serve by certified mail, return  
3 3 receipt requested, a notice of claim upon the licensed health  
3 4 care provider. The notice of claim shall include a statement  
3 5 of the theory of liability upon which the cause of action is  
3 6 based and include a list of all persons to whom notices have  
3 7 been sent, together with a certificate of merit.  
3 8 The bill requires that the certificate of merit shall  
3 9 meet certain requirements and specifies certain information  
3 10 that a qualified expert who provides information in the  
3 11 certificate of merit shall provide. The bill provides that  
3 12 a separate certificate of merit shall be completed for each  
3 13 defendant named in the complaint, and that if a plaintiff or  
3 14 plaintiff's counsel asserts in good faith that the plaintiff  
3 15 has insufficient time to obtain a certificate of merit prior to  
3 16 the expiration of the 30-day limitation period, the plaintiff  
3 17 shall provide notice of intent to provide a certificate of  
3 18 merit to the defendant within 60 days of the date the defendant  
3 19 receives the notice of the claim. If a plaintiff believes that  
3 20 a certificate of merit is not necessary because the plaintiff's  
3 21 cause of action against a health care provider is based upon a  
3 22 res ipsa loquitur theory of liability which does not require  
3 23 expert testimony supporting a breach of the applicable standard  
3 24 of care, the plaintiff shall file a statement setting forth the  
3 25 basis for the alleged res ipsa loquitur liability of the health  
3 26 care provider in lieu of the certificate of merit.  
3 27 The bill further provides that the applicable statute of  
3 28 limitations in a civil cause of action against a health care  
3 29 provider upon whom a notice of claim is served shall be tolled  
3 30 from the date the notice of claim is mailed. In addition,  
3 31 if the plaintiff fails to provide a notice of claim and a  
3 32 certificate of merit, or a statement of the legal theory upon  
3 33 which the claim is based, the claim shall be dismissed without  
3 34 prejudice.  
3 35 For purposes of the bill, "health care provider" means a



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- 4 1 physician or surgeon, osteopath, osteopathic physician or
- 4 2 surgeon, dentist, podiatric physician, optometrist, pharmacist,
- 4 3 chiropractor, or nurse licensed in Iowa, a hospital licensed
- 4 4 pursuant to Code chapter 135B, or a health care facility
- 4 5 licensed pursuant to Code chapter 135C.

LSB 1981YC (2) 84

rh/nh



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House Study Bill 27

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON SODERBERG)

**A BILL FOR**

1 An Act creating a certificate of merit in a medical malpractice  
2 action.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1406YC (1) 84  
rh/rj



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1 1 Section 1. NEW SECTION. 147.140 Certificate of merit.  
1 2 1. In an action for damages for personal injury against a  
1 3 health care provider licensed to practice or operate in this  
1 4 state, based on the alleged negligence of the licensee in the  
1 5 practice of the profession or occupation, or upon the alleged  
1 6 negligence of the hospital in patient care, the plaintiff  
1 7 shall file, simultaneous with the filing of the complaint, a  
1 8 certificate of merit attesting to the following:  
1 9 a. The plaintiff or plaintiff's attorney has consulted and  
1 10 reviewed the facts of the case with an expert who the plaintiff  
1 11 or the plaintiff's attorney reasonably believes meets the  
1 12 following requirements:  
1 13 (1) The expert is knowledgeable regarding the relevant  
1 14 issues involved in the particular action.  
1 15 (2) The expert is qualified by knowledge, skill,  
1 16 experience, training, or education to testify as an expert  
1 17 in the field of the alleged malpractice pursuant to section  
1 18 147.139.  
1 19 (3) The expert has no financial or personal interest in the  
1 20 outcome of the case under review.  
1 21 b. The expert has determined in a written report that there  
1 22 is a reasonable and meritorious case for the filing of such  
1 23 action.  
1 24 2. The written report from the expert shall be attached  
1 25 to the certificate of merit and shall contain all of the  
1 26 following:  
1 27 a. The name and address of the expert and sufficient facts  
1 28 to support the conclusion that the expert is qualified by  
1 29 knowledge, skill, experience, training, or education to testify  
1 30 as an expert against the health care provider.  
1 31 b. A statement that the expert's determination is based upon  
1 32 an examination of the plaintiff, or an independent and thorough  
1 33 review of all of the applicable medical records and, if  
1 34 reasonably available, a physical examination of the plaintiff.  
1 35 c. A description of the appropriate standard of care that is



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2 1 expected of a reasonably competent health care provider in the  
2 2 same class to which the health care provider belongs, acting in  
2 3 the same or similar circumstances.  
2 4 d. In the opinion of the expert, expressed with a reasonable  
2 5 degree of medical certainty, that the appropriate standard of  
2 6 care was breached by the health care provider named in the  
2 7 complaint.  
2 8 e. The factual basis for the expert's opinion.  
2 9 f. A statement of the actions that the health care provider  
2 10 should have taken or failed to take to have complied with the  
2 11 standard of care.  
2 12 g. A statement of the manner in which the breach of the  
2 13 standard of care was the cause of the injury alleged in the  
2 14 complaint.  
2 15 3. Where a certificate of merit is required pursuant to  
2 16 this section, a separate certificate and expert report shall be  
2 17 filed as to each defendant named in the complaint and shall be  
2 18 filed as to each defendant named at a later time.  
2 19 4. The contemporaneous filing requirement of subsection 1  
2 20 shall not apply to a case in which the period of limitation  
2 21 will expire or there is a good faith basis to believe it will  
2 22 expire on a claim stated within ten days of the date of filing  
2 23 and the plaintiff asserts in good faith that because of such  
2 24 time constraints compliance with the requirements was not  
2 25 possible. In such cases, the plaintiff shall have forty-five  
2 26 days after the filing of the complaint to supplement the  
2 27 pleadings with the certificate of merit and expert report.  
2 28 5. If a certificate of merit is not filed within the period  
2 29 specified in this section the complaint is subject to dismissal  
2 30 for failure to state a claim upon which relief can be granted.  
2 31 6. If the plaintiff or the plaintiff's counsel files a  
2 32 certificate of merit that does not meet the requirements of  
2 33 subsection 1 or a report that does not meet the requirements of  
2 34 subsection 2, the defendant to whom such certificate pertains  
2 35 may file a motion to dismiss which shall specify the grounds or



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3 1 basis by which the certificate or the report does not meet the  
3 2 requirements of this section.  
3 3 7. For the purposes of this section, "health care provider"  
3 4 means a physician or surgeon, osteopath, osteopathic physician  
3 5 and surgeon, dentist, podiatric physician, optometrist,  
3 6 pharmacist, chiropractor, or nurse licensed to practice that  
3 7 profession in this state, or a hospital licensed for operation  
3 8 in this state.

3 9 EXPLANATION

3 10 This bill relates to the filing of a certificate of merit in  
3 11 a medical malpractice action.

3 12 The bill provides that in an action for damages for  
3 13 personal injury against a health care provider, defined as a  
3 14 physician or surgeon, osteopath, osteopathic physician and  
3 15 surgeon, dentist, podiatric physician, optometrist, pharmacist,  
3 16 chiropractor, or nurse licensed to practice that profession in  
3 17 this state, or a hospital licensed for operation in this state,  
3 18 based on the alleged negligence of the licensee in the practice  
3 19 of the profession or occupation, or upon the alleged negligence  
3 20 of the hospital in patient care, the plaintiff shall file,  
3 21 simultaneous with the filing of the complaint, a certificate of  
3 22 merit. The certificate of merit shall state that the plaintiff  
3 23 or plaintiff's attorney has consulted and reviewed the facts of  
3 24 the case with an expert who the plaintiff or the plaintiff's  
3 25 attorney reasonably believes is knowledgeable regarding the  
3 26 relevant issues involved in the particular action, that the  
3 27 expert is qualified by knowledge, skill, experience, training,  
3 28 or education to testify as an expert, and that the expert has  
3 29 no financial or personal interest in the outcome of the case  
3 30 under review.

3 31 The bill further provides that the certificate of merit  
3 32 shall be submitted with a written report from the expert  
3 33 stating there is a reasonable and meritorious case for the  
3 34 filing of such action and shall include the name and address  
3 35 of the expert and sufficient facts to support the conclusion



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4 1 that the expert is qualified, a statement that the expert's  
4 2 determination is based upon an examination of the plaintiff,  
4 3 or an independent and thorough review of all of the applicable  
4 4 medical records and, if reasonably available, a physical  
4 5 examination of the plaintiff, a description of the appropriate  
4 6 standard of care that is expected of a reasonably competent  
4 7 health care provider in the same class to which the health care  
4 8 provider belongs, acting in the same or similar circumstances,  
4 9 a statement that in the opinion of the expert, expressed with a  
4 10 reasonable degree of medical certainty, that the appropriate  
4 11 standard of care was breached by the health care provider named  
4 12 in the complaint, the factual basis for the expert's opinion, a  
4 13 statement of the actions that the health care provider should  
4 14 have taken or failed to take to have complied with the standard  
4 15 of care, and a statement of the manner in which the breach of  
4 16 the standard of care was the cause of the injury alleged in the  
4 17 complaint.

4 18 The bill further provides that a separate certificate and  
4 19 expert report shall be filed as to each defendant named in the  
4 20 complaint.

4 21 The bill provides that the requirement that a plaintiff  
4 22 file a certificate of merit with the filing of the complaint  
4 23 in the action shall not apply to a case in which the period  
4 24 of limitation will expire or there is a good faith basis to  
4 25 believe it will expire on a claim stated within 10 days of  
4 26 the date of filing and the plaintiff asserts in good faith  
4 27 that because of such time constraints compliance with the  
4 28 requirements was not possible. In such cases, the plaintiff  
4 29 shall have 45 days after the filing of the complaint to  
4 30 supplement the pleadings with the certificate of merit and  
4 31 expert report.

4 32 The bill provides that if a certificate of merit is not filed  
4 33 within the period specified in this bill, the complaint is  
4 34 subject to dismissal for failure to state a claim upon which  
4 35 relief can be granted.



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5 1 The bill provides that if the plaintiff files a certificate  
5 2 of merit or an accompanying report that does not meet  
5 3 the requirements of the bill, the defendant to whom such  
5 4 certificate pertains may file a motion to dismiss which shall  
5 5 specify the grounds or basis by which the certificate does not  
5 6 meet the requirements of the bill.

LSB 1406YC (1) 84

rh/rj



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**House Study Bill 28**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON  
FORRISTALL)

**A BILL FOR**

1 An Act establishing the state percent of growth for purposes of  
2 the state school foundation program and including effective  
3 date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2059YC (2) 84  
md/sc



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1 1 Section 1. Section 257.8, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. State percent of growth. ~~The state percent of growth~~  
1 4 ~~for the budget year beginning July 1, 2009, is four percent.~~  
1 5 The state percent of growth for the budget year beginning July  
1 6 1, 2010, is two percent. The state percent of growth for the  
1 7 budget year beginning July 1, 2011, is zero percent. The state  
1 8 percent of growth for each subsequent budget year shall be  
1 9 established by statute which shall be enacted within thirty  
1 10 days of the submission in the year preceding the base year of  
1 11 the governor's budget under section 8.21. The establishment of  
1 12 the state percent of growth for a budget year shall be the only  
1 13 subject matter of the bill which enacts the state percent of  
1 14 growth for a budget year.

1 15 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This  
1 16 Act, being deemed of immediate importance, takes effect upon  
1 17 enactment and is applicable for computing state aid under the  
1 18 state school foundation program for the school budget year  
1 19 beginning July 1, 2011.

1 20 EXPLANATION

1 21 This bill establishes a state percent of growth of 0  
1 22 percent for purposes of the state school foundation program  
1 23 for the school budget year beginning July 1, 2011. The bill  
1 24 takes effect upon enactment and is applicable for state aid  
1 25 computation under the school foundation program for the school  
1 26 budget year beginning July 1, 2011.

LSB 2059YC (2) 84  
md/sc



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**House Study Bill 29**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
EDUCATION BILL BY  
CHAIRPERSON  
FORRISTALL)

**A BILL FOR**

1 An Act eliminating certain procedures for the implementation of  
2 interventions by school districts with attendance centers  
3 identified as persistently lowest-achieving schools.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1839YC (1) 84  
kh/nh



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House Study Bill 29 continued

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1 1 Section 1. Section 256.9, subsection 61, paragraph b, Code  
1 2 2011, is amended by striking the paragraph.

1 3 EXPLANATION

1 4 This bill removes a provision that directs the director of  
1 5 the department of education to require a school district that  
1 6 has one or more attendance centers identified as a persistently  
1 7 lowest=achieving school to negotiate with the school district's  
1 8 employee organization to reach a memorandum of understanding  
1 9 that contains an agreement regarding which of the four possible  
1 10 interventions the school district will implement as required by  
1 11 the U.S. department of education.

1 12 Currently, the school district and the employee organization  
1 13 representing the school district's teachers must meet at  
1 14 reasonable times to negotiate a memorandum of understanding  
1 15 that contains an agreement on the specific intervention to  
1 16 be implemented and a provision stating that the terms of any  
1 17 collective bargaining agreement between the parties shall  
1 18 remain in effect and unaltered except as specifically agreed  
1 19 to in the memorandum. If the parties are unable to reach an  
1 20 agreement within 45 days, they must select an impartial and  
1 21 disinterested person to serve as a mediator, who shall not  
1 22 compel the parties to agree. If mediation fails after 30  
1 23 days, the school district shall not receive any federal school  
1 24 improvement funds for the attendance center identified as a  
1 25 persistently lowest=achieving school. The memorandum remains  
1 26 in effect for the period of time that an attendance center is  
1 27 identified as a persistently lowest=achieving school unless a  
1 28 duration period is included in the memorandum or the parties  
1 29 mutually agree to amend the memorandum.

LSB 1839YC (1) 84

kh/nh



**Iowa General Assembly  
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## Senate Concurrent Resolution 2 - Introduced

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SENATE CONCURRENT RESOLUTION NO.

BY COMMITTEE ON RULES AND ADMINISTRATION

1 1 A Concurrent Resolution relating to the compensation  
1 2 of chaplains, officers, and employees of the  
1 3 ~~eighty-third~~ ~~eighty-fourth~~ general assembly.

1 4 WHEREAS, section 2.11 of the Code provides that "The  
1 5 compensation of the chaplains, officers, and employees  
1 6 of the general assembly shall be fixed by joint action  
1 7 of the house and senate by resolution at the opening of  
1 8 each session, or as soon thereafter as conveniently can  
1 9 be done."; NOW THEREFORE,

1 10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
1 11 REPRESENTATIVES CONCURRING, That the compensation of  
1 12 the employees of the ~~eighty-third~~ ~~eighty-fourth~~ general  
1 13 assembly is set, effective from ~~January 12, 2009,~~  
~~1 14 January 10, 2011, until January 10, 2011, January 14,~~  
1 15 2013, in accordance with the following salary schedule:

|       |             |             |             |     |
|-------|-------------|-------------|-------------|-----|
| 1 16  | #9          |             |             |     |
| 1 17  | \$17,825.60 |             |             |     |
| 1 18  | 8.57        |             |             |     |
| 1 19  | #10         | #11         | #12         | #13 |
| #14   |             |             |             |     |
| 1 20  | \$18,803.20 | \$19,801.60 | \$20,758.40 |     |
|       | \$21,798.40 |             | \$22,942.40 |     |
| 1 21  | 9.04        | 9.52        | 9.98        |     |
| 10.48 |             |             | 11.03       |     |
| 1 22  | #15         | #16         | #17         | #18 |
| #19   |             |             |             |     |
| 1 23  | \$24,169.60 | \$25,417.60 | \$26,499.20 |     |
|       | \$27,830.40 |             | \$29,078.40 |     |
| 1 24  | 11.62       | 12.22       | 12.74       |     |
| 13.38 |             |             | 13.98       |     |
| 1 25  | #20         | #21         | #22         | #23 |
| #24   |             |             |             |     |
| 1 26  | \$30,596.80 | \$31,928.00 | \$33,529.60 |     |
|       | \$35,172.80 |             | \$36,753.60 |     |
| 1 27  | 14.71       | 15.35       | 16.12       |     |
| 16.91 |             |             | 17.67       |     |
| 1 28  | #25         | #26         | #27         | #28 |
| #29   |             |             |             |     |



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Senate Concurrent Resolution 2 - Introduced continued

|          |  |              |              |
|----------|--|--------------|--------------|
| 2 1      | \$38,625.60  | \$40,414.40  | \$42,369.60  |
|          | \$44,449.60  |              | \$46,550.40  |
| 2 2      | 18.57  | 19.43        | 20.37        |
| 21.37    |  |              | 22.38        |
| 2 3 #30  | #31  | #32          | #33          |
| #34      |  |              |              |
| 2 4      | \$48,796.80  | \$51,230.40  | \$53,580.80  |
|          | \$56,201.60  |              | \$58,801.60  |
| 2 5      | 23.46  | 24.63        | 25.76        |
| 27.02    |  |              | 28.27        |
| 2 6 #35  | #36  | #37          | #38          |
| #39      |  |              |              |
| 2 7      | \$61,651.20  | \$64,584.00  | \$67,745.60  |
|          | \$70,948.80  |              | \$74,422.40  |
| 2 8      | 29.64  | 31.05        | 32.57        |
| 34.11    |  |              | 35.78        |
| 2 9 #40  | #41  | #42          | #43          |
| #44      |  |              |              |
| 2 10     | \$78,000.00  | \$81,744.00  | \$85,758.40  |
|          | \$89,731.20  |              | \$94,120.00  |
| 2 11     | 37.50  | 39.30        | 41.23        |
| 43.14    |  |              | 45.25        |
| 2 12 #45 | #46  | #47          | #48          |
| #49      |  |              |              |
| 2 13     | \$98,633.60  | \$103,334.40 | \$108,264.00 |
|          | \$113,464.00   |              | \$118,913    |
| 2 14     | 47.42  | 49.68        | 52.05        |
| 54.55    |  |              | 57.17        |
| 2 15 #50 | #51  |              |              |
| 2 16     | \$124,696.00   | \$127,795.20 |              |
| 2 17     | 59.95  | 61.44        |              |
| 2 18     | In this schedule, each numbered block shall be         |              |              |
| 2 19     | the yearly and hourly compensation for the pay grade   |              |              |
| 2 20     | of the number heading the block. Within each grade     |              |              |
| 2 21     | there shall be seven steps numbered "1" through "7".   |              |              |
| 2 22     | In the above schedule the steps for all grades are     |              |              |
| 2 23     | determined in the following manner. Each numbered      |              |              |
| 2 24     | block is counted as the "1" step for that grade. The   |              |              |
| 2 25     | next higher block is counted as the "2" step; the next |              |              |
| 2 26     | higher block is the "3" step; the next higher block is |              |              |
| 2 27     | the "4" step; the next higher block is the "5" step;   |              |              |
| 2 28     | the next higher block is the "6" step; and the next    |              |              |
| 2 29     | higher block is the "7" step.                          |              |              |
| 2 30     | Alternatively, the senate rules and administration     |              |              |



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Senate Concurrent Resolution 2 - Introduced continued

3 1 committee for senate employees, and the house  
3 2 administration and rules committee for house employees  
3 3 may allow their employees' compensation to be flexibly  
3 4 set anywhere between steps "1" through "7" for an  
3 5 employee's prescribed pay grade.  
3 6 All employees shall be available to work daily  
3 7 until completion of the senate's and house of  
3 8 representatives' business. The employee's division  
3 9 supervisor shall schedule all employees' working hours  
3 10 to, as far as possible, maintain regular working hours.  
3 11 All employees, other than those designated "part=  
3 12 time", shall be compensated for 40 hours of work in  
3 13 a one=week pay period. Secretaries to senators and  
3 14 representatives are presumed to have ~~40~~ 32 hours  
3 15 of work each week the legislature is in session and  
3 16 shall be paid only on that basis. Full=time employees  
3 17 who are required to work in excess of 80 hours in a  
3 18 two=week pay period shall be allowed compensatory time  
3 19 off at a rate of one hour for each hour of overtime  
3 20 up to a maximum of 120 hours of compensatory time.  
3 21 Joint security employees of the senate and house of  
3 22 representatives may be compensated for each hour of  
3 23 overtime at a rate of pay equal to one=and=one=half  
3 24 times the hourly pay provided.  
3 25 BE IT FURTHER RESOLVED, That part=time employees  
3 26 shall be compensated at the scheduled hourly rate for  
3 27 their pay grade and step.  
3 28 BE IT FURTHER RESOLVED, That in the event the  
3 29 salary schedule for employees of the State of Iowa  
3 30 as promulgated by the department of administrative



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Senate Concurrent Resolution 2 - Introduced continued

4 1 services pursuant to section 8A.413, subsection 2, is  
4 2 revised upward at any time during the ~~eighty-third~~  
~~4 3~~ eighty-fourth general assembly, such revised schedule  
4 4 shall simultaneously be adopted for the compensation  
4 5 of the employees of the ~~eighty-third~~ eighty-fourth  
4 6 general assembly assigned a grade by this resolution,  
4 7 unless otherwise provided by the senate and house of  
4 8 representatives.

4 9 BE IT FURTHER RESOLVED, That adjustments in  
4 10 the positions and compensation listed in this  
4 11 resolution may be made through an interim review of  
4 12 all legislative employees for internal equity and to  
4 13 assure compliance with appropriate legal standards  
4 14 for granting of overtime and compensatory time off.  
4 15 Such review shall be conducted by a legislative  
4 16 committee made up of members of the service committee  
4 17 of legislative council and the appropriate salary  
4 18 subcommittees of the senate and house. Only one such  
4 19 review may be done in any fiscal year and adjustments  
4 20 suggested must be approved by the appropriate hiring  
4 21 body.

4 22 BE IT FURTHER RESOLVED, That the employees of the  
4 23 ~~eighty-third~~ eighty-fourth general assembly be placed  
4 24 in the following pay grades:

4 25 EMPLOYEES OF THE HOUSE  
4 26 Chief Clerk of the House Grade 44  
4 27 Sr. Assistant Chief Clerk of the House Grade 41  
4 28 Assistant Chief Clerk of the House III Grade 38  
4 29 Assistant Chief Clerk of the House II Grade 35  
4 30 Assistant Chief Clerk of the House I Grade 32



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Senate Concurrent Resolution 2 - Introduced continued

- 5 1 Legal Counsel IIGrade 35
- 5 2 Legal Counsel IGrade 32
- 5 3 Legal CounselGrade 30
- 5 4 Sr. Caucus Staff DirectorGrade 41
- 5 5 Caucus Staff DirectorGrade 38
- 5 6 Sr. Deputy Caucus Staff DirectorGrade 39
- 5 7 Deputy Caucus Staff DirectorGrade 36
- 5 8 Administrative Assistant to Leader or
- 5 9 SpeakerGrade 27
- 5 10 Administrative Assistant I to Leader or
- 5 11 SpeakerGrade 29
- 5 12 Administrative Assistant II to Leader or
- 5 13 SpeakerGrade 32
- 5 14 Administrative Assistant III to Leader or
- 5 15 SpeakerGrade 35
- 5 16 Sr. Administrative Assistant to Leader or
- 5 17 Speaker IGrade 38
- 5 18 Sr. Administrative Assistant to Leader or
- 5 19 Speaker IIGrade 41
- 5 20 Research AssistantGrade 24
- 5 21 Legislative Research AnalystGrade 27
- 5 22 Legislative Research Analyst IGrade 29
- 5 23 Legislative Research Analyst IIGrade 32
- 5 24 Legislative Research Analyst IIIGrade 35
- 5 25 Sr. Legislative Research AnalystGrade 38
- 5 26 Assistant Secretary to Leader or SpeakerGrade 18
- 5 27 Secretary to Leader or SpeakerGrade 19
- 5 28 Caucus SecretaryGrade 21
- 5 29 Senior Caucus SecretaryGrade 24
- 5 30 Administrative Secretary to Leader, Speaker,



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Senate Concurrent Resolution 2 - Introduced continued

- 6 1 or Chief ClerkGrade 21
- 6 2 Executive Secretary to Leader, Speaker or
- 6 3 Chief ClerkGrade 24
- 6 4 Confidential Secretary to Leader, Speaker,
- 6 5 or Chief ClerkGrade 27
- 6 6 ~~Confidential Secretary II to Leader, Speaker~~
- 6 7 ~~or Chief ClerkGrade 32~~
- 6 8 Clerk to Chief ClerkGrade 16
- 6 9 Supervisor of SecretariesGrade 21
- 6 10 Supervisor of Secretaries IGrade 24
- 6 11 Supervisor of Secretaries IIGrade 27
- 6 12 Sr. Administrative Services OfficerGrade 35
- 6 13 Administrative Services Officer IIIGrade 32
- 6 14 Administrative Services Officer IIGrade 29
- 6 15 Administrative Services Officer IGrade 26
- 6 16 Administrative Services OfficerGrade 23
- 6 17 Administrative Services AssistantGrade 20
- 6 18 Senior EditorGrade 30
- 6 19 Editor IIGrade 25
- 6 20 Editor IGrade 22
- 6 21 Assistant EditorGrade 19
- 6 22 Compositor/Desk Top SpecialistGrade 17
- 6 23 Sr. Text ProcessorGrade 25
- 6 24 Text Processor IIGrade 22
- 6 25 Text Processor IGrade 19
- 6 26 Senior Finance Officer IIIGrade 38
- 6 27 Senior Finance Officer IIGrade 35
- 6 28 Senior Finance Officer IGrade 31
- 6 29 Finance Officer IIGrade 27
- 6 30 Finance Officer IGrade 24



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Senate Concurrent Resolution 2 - Introduced continued

7 1 Assistant Finance OfficerGrade 21  
7 2 Recording Clerk IIGrade 24  
7 3 Recording Clerk IGrade 21  
7 4 Assistant Legal Counsel IGrade 30  
7 5 Assistant Legal CounselGrade 27  
7 6 Engrossing & Enrolling ProcessorGrade 27  
7 7 Assistant to the Legal CounselGrade 19  
7 8 Senior IndexerGrade 28  
7 9 Indexer IIGrade 25  
7 10 Indexer IGrade 22  
7 11 Indexing AssistantGrade 19  
7 12 Supply ClerkGrade 16  
7 13 Switchboard OperatorGrade 14  
7 14 Legislative SecretaryGrade 15  
7 15 Legislative Committee SecretaryGrade 17  
7 16 Bill ClerkGrade 14  
7 17 Assistant Bill ClerkGrade 12  
7 18 PostmasterGrade 12  
7 19 Sergeant=at=Arms IIGrade 20  
7 20 Sergeant=at=Arms IGrade 17  
7 21 Assistant Sergeant=at=ArmsGrade 14  
7 22 Chief DoorkeeperGrade 12  
7 23 DoorkeepersGrade 11  
7 24 PagesGrade 9  
7 25 EMPLOYEES OF THE SENATE  
7 26 Secretary of the SenateGrade 44  
7 27 Sr. Assistant Secretary of the SenateGrade 41  
7 28 Assistant Secretary of the Senate IIIGrade 38  
7 29 Assistant Secretary of the Senate IIGrade 35  
7 30 Assistant Secretary of the Senate IGrade 32



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Senate Concurrent Resolution 2 - Introduced continued

- 8 1 Legal Counsel IIGrade 35
- 8 2 Legal Counsel IGrade 32
- 8 3 Legal CounselGrade 30
- 8 4 Sr. Caucus Staff DirectorGrade 41
- 8 5 Caucus Staff DirectorGrade 38
- 8 6 Sr. Deputy Caucus Staff DirectorGrade 39
- 8 7 Deputy Caucus Staff DirectorGrade 36
- 8 8 Administrative Assistant to Leader
- 8 9 or PresidentGrade 27
- 8 10 Administrative Assistant I to Leader
- 8 11 or PresidentGrade 29
- 8 12 Administrative Assistant II to Leader
- 8 13 or PresidentGrade 32
- 8 14 Administrative Assistant III to Leader
- 8 15 or PresidentGrade 35
- 8 16 Sr. Administrative Assistant to Leader
- 8 17 or President IGrade 38
- 8 18 Sr. Administrative Assistant to Leader
- 8 19 or President IIGrade 41
- 8 20 Research AssistantGrade 24
- 8 21 Legislative Research AnalystGrade 27
- 8 22 Legislative Research Analyst IGrade 29
- 8 23 Legislative Research Analyst IIGrade 32
- 8 24 Legislative Research Analyst IIIGrade 35
- 8 25 Sr. Legislative Research AnalystGrade 38
- 8 26 Caucus Secretary IIGrade 21
- 8 27 Senior Caucus SecretaryGrade 24
- 8 28 Secretary to Leader, President, or
- 8 29 CaucusGrade 18
- 8 30 Administrative Secretary to Leader,



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Senate Concurrent Resolution 2 - Introduced continued

9 1 President, or Secretary of the SenateGrade 21  
9 2 Executive Secretary to Leader, President,  
9 3 or Secretary of the SenateGrade 24  
9 4 Confidential Secretary to Leader, President,  
9 5 or Secretary of the SenateGrade 27  
9 6 ~~Confidential Secretary II to Leader,~~  
9 7 ~~President, or Secretary of the SenateGrade 32~~  
9 8 Supervisor of SecretariesGrade 21  
9 9 Supervisor of Secretaries IGrade 24  
9 10 Supervisor of Secretaries IIGrade 27  
9 11 Sr. Administrative Services OfficerGrade 35  
9 12 Administrative Services Officer IIIGrade 32  
9 13 Administrative Services Officer IIGrade 29  
9 14 Administrative Services Officer IGrade 26  
9 15 Administrative Services OfficerGrade 23  
9 16 Administrative Services AssistantGrade 20  
9 17 Senior EditorGrade 30  
9 18 Editor IIGrade 25  
9 19 Editor IGrade 22  
9 20 Assistant EditorGrade 19  
9 21 Compositor/Desk Top SpecialistGrade 17  
9 22 Assistant Legal Counsel IGrade 30  
9 23 Assistant Legal CounselGrade 27  
9 24 Assistant to the Legal CounselGrade 19  
9 25 ProofreaderGrade 16  
9 26 Senior Finance Officer IIIGrade 38  
9 27 Senior Finance Officer IIGrade 35  
9 28 Senior Finance Officer IGrade 13  
9 29 Finance Officer IIGrade 27  
9 30 Finance Officer IGrade 24



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Senate Concurrent Resolution 2 - Introduced continued

10 1 Assistant Finance OfficerGrade 21  
10 2 Recording Clerk IIGrade 24  
10 3 Recording Clerk IGrade 21  
10 4 Senior IndexerGrade 28  
10 5 Indexer IIGrade 25  
10 6 Indexer IGrade 22  
10 7 Indexing AssistantGrade 19  
10 8 Records and Supply ClerkGrade 18  
10 9 Switchboard OperatorGrade 14  
10 10 Legislative SecretaryGrade 15  
10 11 Legislative Committee SecretaryGrade 17  
10 12 Bill ClerkGrade 14  
10 13 Assistant Bill ClerkGrade 12  
10 14 PostmasterGrade 12  
10 15 Sergeant=at=Arms IIGrade 20  
10 16 Sergeant=at=Arms IGrade 17  
10 17 Assistant Sergeant=at=ArmsGrade 14  
10 18 Chief DoorkeeperGrade 12  
10 19 DoorkeepersGrade 11  
10 20 PagesGrade 9  
10 21 JOINT SENATE/HOUSE EMPLOYEES  
10 22 Facilities Manager IGrade 35  
10 23 Facilities Manager IIGrade 38  
10 24 Sr. Facilities ManagerGrade 41  
10 25 ~~Legislative Security SecretaryGrade 19~~  
10 26 Legislative Security Coordinator IGrade 23  
10 27 Legislative Security Coordinator IIGrade 26  
10 28 Legislative Security Officer IGrade 20  
10 29 Legislative Security Officer IIGrade 23  
10 30 Conservation/Restoration Specialist IGrade 28



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Senate Concurrent Resolution 2 - Introduced continued

11 1 Conservation/Restoration Specialist II Grade 31  
11 2 Sr. Legislative Lobbyist Clerk Grade 24  
11 3 Legislative Lobbyist Clerk Grade 21  
11 4 Sr. Copy Center Operator Grade 21  
11 5 Copy Center Operator Grade 18  
11 6 BE IT FURTHER RESOLVED, That there shall be four  
11 7 classes of appointments as employees of the general  
11 8 assembly:  
11 9 A "permanent full-time" or "permanent part-time"  
11 10 employee is one who is employed the year around and  
11 11 eligible to receive state benefits.  
11 12 An "exempt full-time" employee is one who is  
11 13 employed for only a portion of the year, usually the  
11 14 period of the legislative sessions with extensions  
11 15 post-session and pre-session as scheduled. This class  
11 16 is eligible to receive state benefits with the cost of  
11 17 benefits to the state to be paid, using accrued leave  
11 18 if authorized, by the employee when not on the payroll.  
11 19 A "session-only" employee is one who is employed for  
11 20 only a portion of the year, usually the legislative  
11 21 session. This class is not eligible for state  
11 22 benefits, except IPERS, and insurance as provided in  
11 23 section 2.40.  
11 24 A "part-time" employee is one who is employed to  
11 25 work less than 40 hours per week. This class is not  
11 26 eligible for state benefits, except IPERS if eligible.  
11 27 BE IT FURTHER RESOLVED, That the exact  
11 28 classification for individuals in a job series  
11 29 created by this resolution shall be set or changed for  
11 30 senate employees by the senate rules and administration



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Senate Concurrent Resolution 2 - Introduced continued

12 1 committee and for the house employees by the house  
12 2 administration and rules committee. The committees  
12 3 shall base the classification upon the following  
12 4 factors:  
12 5 1. The extent of formal education required of the  
12 6 position; and,  
12 7 2. The extent of the responsibilities to be  
12 8 assigned to the position; and,  
12 9 3. The amount of supervision placed over the  
12 10 position; and,  
12 11 4. The number of persons the position is assigned  
12 12 to supervise and skills and responsibilities of those  
12 13 positions supervised.  
12 14 The committees shall report the exact  
12 15 classifications assigned to each individual on the  
12 16 next legislative day, or, if such action is during  
12 17 the interim, on the first day the senate or house  
12 18 shall convene. Any action by the senate or house to  
12 19 disapprove a report or a portion of a report shall be  
12 20 effective the day after the action.  
12 21 Recommendations for a pay grade for a new position  
12 22 shall be developed in accordance with the factor scores  
12 23 in the comparable worth report. Every four years the  
12 24 senate rules and administration committee, the house  
12 25 administration and rules committee, and the legislative  
12 26 council may review all positions in the legislative  
12 27 branch to assure conformity to comparable worth.  
12 28 BE IT FURTHER RESOLVED, That a senator or  
12 29 representative may employ a secretary who in the  
12 30 judgment of the senator or representative employing



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Senate Concurrent Resolution 2 - Introduced continued

13 1 such person, possesses the necessary skills to perform  
13 2 the duties such senator or representative shall  
13 3 designate, under the administrative direction, as  
13 4 appropriate, of the secretary of the senate or the  
13 5 chief clerk of the house.  
13 6 Each standing committee chairperson, ethics  
13 7 committee chairperson, and each appropriations  
13 8 subcommittee chairperson shall designate a secretary  
13 9 who is competent to perform the following duties:  
13 10 prepare committee minutes, committee reports, type  
13 11 committee correspondence, maintain committee records,  
13 12 and otherwise assist the committee. Such duties  
13 13 shall be performed in accordance with standards which  
13 14 shall be provided by the secretary of the senate and  
13 15 chief clerk of the house. In making the designation,  
13 16 chairpersons shall consider persons for possible  
13 17 designation as the secretary to the committee in the  
13 18 following order:  
13 19 First: The secretary to the chairperson.  
13 20 Second: The secretary to the committee's  
13 21 vice=chairperson.  
13 22 Third: The secretary to any other member of the  
13 23 committee.  
13 24 Fourth: The secretary to any other member in the  
13 25 same house as the committee.  
13 26 BE IT FURTHER RESOLVED, That a Legal Counsel II  
13 27 shall be a person who has graduated from an accredited  
13 28 school of law and is admitted to practice in Iowa as  
13 29 an Attorney and Counselor at Law and possesses either  
13 30 a Masters of Law degree or has at least two years of



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Senate Concurrent Resolution 2 - Introduced continued

14 1 legal experience after admission to practice.  
14 2 A Legal Counsel I shall be a person who has  
14 3 graduated from an accredited school of law and is  
14 4 admitted to practice in Iowa as an Attorney and  
14 5 Counselor at Law.  
14 6 BE IT FURTHER RESOLVED, That employees of the  
14 7 general assembly may be eligible for either:  
14 8 a) increases in salary grade or step based on  
14 9 evaluation of their job performance and recommendations  
14 10 of their administrative officers, subject to approval  
14 11 of the senate committee on rules and administration  
14 12 or the house committee on administration and rules, as  
14 13 appropriate or  
14 14 b) mobility within a pay grade at the discretion  
14 15 of the chief clerk of the house upon recommendation by  
14 16 the employee's division supervisor on the part of the  
14 17 house, and the discretion of the employee's division  
14 18 supervisor on the part of the senate, subject to the  
14 19 approval of the house committee on administration  
14 20 and rules or the senate committee on rules and  
14 21 administration, as appropriate ==== either in accord with  
14 22 a flexible pay plan approved by the senate rules and  
14 23 administration committee or the house administration  
14 24 and rules committee, or in accord with the following  
14 25 schedule:  
14 26 (1) Progression from step "1" to "2" for a newly  
14 27 hired employee ==== six months of actual employment.  
14 28 (2) Progression from step "1" to "2" following  
14 29 promotion within a job series ==== twelve months of  
14 30 actual employment in that position.



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Senate Concurrent Resolution 2 - Introduced continued

15 1 (3) Progression from step "2" to "3", and step "3"  
15 2 to "4", and step "4" to "5", and step "5" to "6", and  
15 3 step "6" to "7" ==== twelve months of actual employment  
15 4 at the lower step.

15 5 BE IT FURTHER RESOLVED, That in addition to the  
15 6 steps provided in the preceding paragraph, that  
15 7 secretaries to senators and representatives who were  
15 8 employees of the senate or house of representatives  
15 9 during any general assembly prior to January 9, 1989,  
15 10 and who have received certification for passing a  
15 11 typing and shorthand performance examination shall be  
15 12 eligible for two additional steps.

15 13 BE IT FURTHER RESOLVED, That in addition to the  
15 14 steps provided in the preceding paragraph, that  
15 15 secretaries to senators and representatives shall  
15 16 be eligible for a maximum of three additional grades  
15 17 beyond grade 15, in any combination, as provided in  
15 18 this paragraph:

15 19 1. One additional grade for a secretary to a  
15 20 standing committee chair, ethics committee chair  
15 21 or appropriations subcommittee chair who is not the  
15 22 designated committee secretary.

15 23 2. One additional grade for a secretary to a vice=  
15 24 chairperson or ranking member of a standing committee,  
15 25 ethics committee or appropriations subcommittee.

15 26 3. One additional grade for a secretary to the  
15 27 chairperson of the chaplain's committee.

15 28 4. Two additional grades for a secretary to an  
15 29 assistant floor leader or speaker pro tempore or  
15 30 president pro tempore.



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Senate Concurrent Resolution 2 - Introduced continued

16 1 5. One additional grade for a designated committee  
16 2 secretary who is also the designated committee  
16 3 secretary for an additional standing committee, ethics  
16 4 committee, or appropriations subcommittee.

16 5 BE IT FURTHER RESOLVED, That in the event the  
16 6 secretary to the chairperson of the chaplain's  
16 7 committee is the secretary to the president, president  
16 8 pro tempore, speaker, speaker pro tempore, or the  
16 9 majority or minority leader, such secretary shall  
16 10 receive one additional step.

16 11 BE IT FURTHER RESOLVED, That the entrance salary for  
16 12 employees of the general assembly shall be at step 1 in  
16 13 the grade of the position held. Such employee may be  
16 14 hired above the entrance step if possessing outstanding  
16 15 and unusual experience for the position. Such employee  
16 16 who is hired above the entrance step shall be mobile  
16 17 above that step in the same period of time as other  
16 18 employees in that same step. An officer or employee  
16 19 who is moved to another position may be considered for  
16 20 partial or full credit for their experience in the  
16 21 former position in determining the step in the new  
16 22 grade.

16 23 The entry level for the position of research  
16 24 analyst shall be Legislative Research Analyst, unless  
16 25 extraordinary conditions justify increasing that entry  
16 26 level.

16 27 BE IT FURTHER RESOLVED, That a pay increase for  
16 28 employees of one step within the pay grade for the  
16 29 position may be made for exceptionally meritorious  
16 30 service in addition to step increases provided



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Senate Concurrent Resolution 2 - Introduced continued

17 1 for in this resolution, at the discretion of the  
17 2 chief clerk upon recommendation by the employee's  
17 3 division supervisor on the part of the house, and upon  
17 4 recommendation by the employee's division supervisor on  
17 5 the part of the senate, and the approval of the senate  
17 6 committee on rules and administration or the house  
17 7 committee on administration and rules. Exceptionally  
17 8 meritorious service pay increases shall be governed by  
17 9 the following:

17 10     a. The employee must have served in the position  
17 11 for at least twelve months;

17 12     b. Written justification, setting forth in detail  
17 13 the nature of the exceptionally meritorious service  
17 14 rendered, must be submitted to the senate rules and  
17 15 administration committee or house administration and  
17 16 rules committee and approved in advance of granting the  
17 17 pay increase;

17 18     c. No more than one exceptionally meritorious  
17 19 service pay increase may be granted in any twelve=  
17 20 month period.

17 21     d. Such meritorious service pay increase shall  
17 22 not be granted beyond the seven=step maximum for that  
17 23 position.

17 24     BE IT FURTHER RESOLVED, That the senate rules and  
17 25 administration committee and the house administration  
17 26 and rules committee shall both hire officers and  
17 27 employees for their respective bodies and fill any  
17 28 vacancies which may occur, to be effective at such time  
17 29 as they shall set. The committee shall report the  
17 30 names of those it has hired for the positions specified



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18 1 in this resolution or the filling of any vacancies on  
18 2 the next legislative day or, if such action is during  
18 3 the interim, on the first day the senate or house shall  
18 4 convene. Any action by the senate or house to amend or  
18 5 disapprove a report or a portion of a report shall be  
18 6 effective the day after the action.

18 7       The chief clerk of the house shall submit to the  
18 8 house committee on administration and rules and  
18 9 the secretary of the senate shall submit to the  
18 10 senate committee on rules and administration the  
18 11 list of names, or amendments thereto, of employee  
18 12 classifications and recommended pay step for each  
18 13 officer and employee. Such list shall include  
18 14 recommendations for the pay step for all employees.  
18 15 Each respective committee shall approve or amend the  
18 16 list of recommended classifications and pay steps and  
18 17 publish said list in the journal.

18 18       BE IT FURTHER RESOLVED, That permanent employees of  
18 19 the general assembly shall receive vacation allowances,  
18 20 sick leave, health and accident insurance, life  
18 21 insurance, and disability income insurance as are  
18 22 comparably provided for full-time permanent state  
18 23 employees. The computations shall be maintained by the  
18 24 finance officers in each house and coordinated with the  
18 25 department of administrative services.

18 26       BE IT FURTHER RESOLVED, That should any employee  
18 27 have a grievance, the grievance shall be resolved as  
18 28 provided by procedures determined by the senate rules  
18 29 and administration committee for senate employees or  
18 30 the house administration and rules committee for house



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Senate Concurrent Resolution 2 - Introduced continued

19 1 employees.

19 2 BE IT FURTHER RESOLVED, That the legislative  
19 3 council take action to provide the same compensation  
19 4 and benefits to all legislative central staff agency  
19 5 employees for the ~~eighty-third~~ eighty-fourth general  
19 6 assembly as is provided by this resolution. The  
19 7 director of each legislative central staff agency  
19 8 shall report to the chief clerk of the house and the  
19 9 secretary of the senate the list of approved positions  
19 10 for their agencies and the names, grades and steps of  
19 11 each employee. Such lists shall be published in the  
19 12 journals of the house and the senate within two weeks  
19 13 after the adoption of this resolution by both houses.

19 14 BE IT FURTHER RESOLVED, That the compensation of  
19 15 chaplains officiating at the opening of the daily  
19 16 sessions of the house of representatives and the senate  
19 17 of the ~~eighty-third~~ eighty-fourth general assembly be  
19 18 fixed at ten dollars for each house of the general  
19 19 assembly, and that mileage to and from the State  
19 20 Capitol for chaplains be fixed at the rate established  
19 21 for members of the general assembly.

LSB 9075XS (26) 84

rj/rj



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**Senate File 74 - Introduced**

SENATE FILE  
BY FEENSTRA

**A BILL FOR**

1 An Act extending the period of ineligibility for participation  
2 in varsity interscholastic athletic contests and  
3 competitions by high school students participating in open  
4 enrollment.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1887XS (1) 84  
kh/nh



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Senate File 74 - 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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Senate File 74 - 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 1887XS (1) 84

kh/nh



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**Senate File 75 - Introduced**

SENATE FILE  
BY ANDERSON, BERTRAND,  
SMITH, ERNST, JOHNSON,  
and KAPUCIAN

**A BILL FOR**

1 An Act excluding from the computation of net income under  
2 the individual income tax active duty pay received for  
3 service in Operation New Dawn and including retroactive  
4 applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1398XS (5) 84  
tw/sc



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Senate File 75 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, subsection 40, Code 2011, is  
1 2 amended to read as follows:  
1 3 40. Subtract, to the extent included, active duty pay  
1 4 received by a person in the national guard or armed forces  
1 5 military reserve for service performed on or after January  
1 6 1, 2003, pursuant to military orders related to Operation  
1 7 Iraqi Freedom, Operation New Dawn, Operation Noble Eagle, and  
1 8 Operation Enduring Freedom.  
1 9 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies  
1 10 retroactively to January 1, 2011, for tax years beginning on  
1 11 or after that date.

1 12 EXPLANATION  
1 13 This bill exempts from the computation of net income  
1 14 active duty military pay received by a person in the national  
1 15 guard or armed forces military reserve for service performed  
1 16 in Operation New Dawn, the name used by the United States  
1 17 government to refer to certain operations in Iraq.  
1 18 The bill applies retroactively to January 1, 2011, for tax  
1 19 years beginning on or after that date.

LSB 1398XS (5) 84  
tw/sc



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**Senate File 76 - Introduced**

SENATE FILE  
BY ANDERSON and BERTRAND

**A BILL FOR**

1 An Act increasing the default speed limit on hard surface roads  
2 to sixty miles per hour.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1403XS (3) 84  
dea/nh



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Senate File 76 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.285, subsection 3, Code 2011, is  
1 2 amended to read as follows:  
1 3 3. Unless otherwise provided in this section or by other  
1 4 speed restrictions, the speed limit for all vehicular traffic  
1 5 shall be ~~fifty-five~~ sixty miles per hour.

1 6 EXPLANATION

1 7 This bill increases the speed limit from 55 to 60 miles per  
1 8 hour on hard surface roads that are not subject to other speed  
1 9 restrictions. The new speed limit applies on primary roads  
1 10 other than certain divided, multilaned highways with a speed  
1 11 limit of 65 miles per hour and on interstates, where the speed  
1 12 limit is typically 70 miles per hour. The new speed limit also  
1 13 applies on secondary roads surfaced with concrete or asphalt.  
1 14 Under the bill, the department of transportation retains the  
1 15 authority to lower the speed limit on any part of the primary  
1 16 road system, and counties retain the right to lower the speed  
1 17 limit on secondary roads.

LSB 1403XS (3) 84

dea/nh



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**Senate File 77 - Introduced**

SENATE FILE

BY FEENSTRA, JOHNSON,  
KAPUCIAN, BACON,  
SEYMOUR, BOETTGER, and  
ANDERSON

**A BILL FOR**

1 An Act relating to abortions, including prohibiting abortions  
2 beyond a certain postfertilization age, providing an  
3 exception, and providing a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1831SS (4) 84  
pf/nh



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Senate File 77 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 146A.1 Definitions.  
1 2 As used in this chapter unless the context otherwise  
1 3 requires:  
1 4 1. "Abortion" means abortion as defined in section 146.1.  
1 5 2. "Attempt to perform or induce an abortion" means an act,  
1 6 or an omission of a statutorily required act, that, under the  
1 7 circumstances as the actor believes them to be, constitutes a  
1 8 substantial step in a course of conduct planned to culminate in  
1 9 the performance or inducing of an abortion.  
1 10 3. "Fertilization" means the fusion of a human spermatozoon  
1 11 with a human ovum.  
1 12 4. "Human pregnancy" means an individual organism of the  
1 13 species homo sapiens from fertilization until live birth.  
1 14 5. "Medical emergency" means a condition which, in  
1 15 reasonable medical judgment, so complicates the medical  
1 16 condition of a pregnant woman as to necessitate the immediate  
1 17 abortion of the human pregnancy to avert the woman's death or  
1 18 for which a delay will create a serious risk of substantial and  
1 19 irreversible physical impairment of a major bodily function.  
1 20 "Medical emergency" does not include a condition which is based  
1 21 on a claim or diagnosis that the pregnant woman will engage in  
1 22 conduct which would result in the pregnant woman's death or in  
1 23 substantial and irreversible physical impairment of a major  
1 24 bodily function.  
1 25 6. "Physician" means a person licensed under chapter 148.  
1 26 7. "Postfertilization age" means the age of the human  
1 27 pregnancy as calculated from the fertilization of the human  
1 28 ovum.  
1 29 8. "Probable postfertilization age" means what, in  
1 30 reasonable medical judgment, will with reasonable probability  
1 31 be the postfertilization age of the human pregnancy at the time  
1 32 the abortion is to be performed.  
1 33 9. "Reasonable medical judgment" means a medical judgment  
1 34 made by a reasonably prudent physician who is knowledgeable  
1 35 about the case and the treatment possibilities with respect to



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2 1 the medical conditions involved.  
2 2 Sec. 2. NEW SECTION. 146A.2 Abortion prohibited at twelve  
2 3 or more weeks postfertilization age ==== exception ==== penalty.  
2 4 1. A physician shall not perform or induce, or attempt to  
2 5 perform or induce, an abortion upon a pregnant woman when it  
2 6 has been determined, by the physician performing or inducing  
2 7 the abortion or by another physician upon whose determination  
2 8 that physician relies, that the probable postfertilization age  
2 9 of the human pregnancy is twelve or more weeks unless, in the  
2 10 physician's reasonable medical judgment, the pregnant woman has  
2 11 a condition which the physician deems a medical emergency.  
2 12 2. A physician who intentionally or recklessly performs or  
2 13 attempts to perform an abortion in violation of this section is  
2 14 guilty of a class "C" felony.  
2 15 3. A woman upon whom an abortion was performed or was  
2 16 attempted to be performed shall not be subject to prosecution  
2 17 for a violation of this section.

2 18 EXPLANATION

2 19 This bill relates to abortions. The bill provides  
2 20 definitions used in the bill. The bill provides that, except  
2 21 in the case of a medical emergency, a physician shall not  
2 22 perform or induce, or attempt to perform or induce, an abortion  
2 23 upon a pregnant woman when it has been determined that the  
2 24 probable postfertilization age is 12 or more weeks unless, in  
2 25 the physician's reasonable medical judgment, the pregnant woman  
2 26 has a condition which the physician deems a medical emergency.  
2 27 The bill provides that a physician who intentionally or  
2 28 recklessly performs or attempts to perform an abortion in  
2 29 violation of the bill is guilty of a class "C" felony, which is  
2 30 punishable by confinement for no more than 10 years and a fine  
2 31 of at least \$1,000 but not more than \$10,000. However, the  
2 32 woman upon whom the abortion was performed or was attempted to  
2 33 be performed is not subject to prosecution for a violation of  
2 34 the bill.

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**Senate File 78 - Introduced**

SENATE FILE

BY HAHN, BEALL, SODDERS,  
HAMERLINCK, ERNST,  
ANDERSON, ZAUN,  
BOETTGER, BACON,  
GREINER, KAPUCIAN,  
JOHNSON, SORENSON,  
BEHN, KETTERING,  
FEENSTRA, HANCOCK,  
RIELLY, HOUSER, and  
DEARDEN

**A BILL FOR**

1 An Act concerning the operation of motorcycles equipped with  
2 detachable stabilizing rear wheels on Iowa roads.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1843XS (2) 84  
dea/nh



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Senate File 78 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 321.435 Motorcycles equipped with  
1 2 detachable stabilizing wheels.  
1 3 Notwithstanding any other provision of law, a motor vehicle  
1 4 that is originally designed as a two-wheeled motorcycle and  
1 5 is modified using conversion hardware which allows for the  
1 6 attachment and detachment of two stabilizing rear wheels may  
1 7 be operated on a highway with the stabilizing wheels attached  
1 8 in accordance with the provisions of this chapter applicable  
1 9 to motorcycles. A motorcycle shall not be determined to be  
1 10 reconstructed based on the sole fact that two stabilizing  
1 11 wheels have been added as described in this section.

1 12 EXPLANATION

1 13 This bill authorizes operation of motorcycles equipped with  
1 14 detachable stabilizing wheels on the rear of the motorcycle.  
1 15 The additional wheels are typically installed using an assembly  
1 16 mounted on brackets which are permanently attached to the frame  
1 17 of the motorcycle. The assembly containing the wheels can be  
1 18 removed from the brackets to convert the motorcycle back to  
1 19 two-wheeled operation.

1 20 Under current law, the term "motorcycle" is defined to  
1 21 include motor vehicles designed to travel on not more than  
1 22 three wheels. The bill does not change that definition,  
1 23 but allows a motorcycle designed to travel on two wheels  
1 24 but equipped with detachable stabilizing rear wheels to be  
1 25 operated on Iowa roads as a motorcycle. The bill states that a  
1 26 motorcycle is not considered "reconstructed" solely because of  
1 27 the addition of detachable stabilizing rear wheels.

LSB 1843XS (2) 84

dea/nh



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**Senate File 79 - Introduced**

SENATE FILE  
BY KIBBIE

**A BILL FOR**

1 An Act relating to assignment of visitation or joint physical  
2 care parenting time for children of military service members  
3 on active duty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1840SS (5) 84  
pf/nh



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Senate File 79 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.41D, Code 2011, is amended to read  
1 2 as follows:  
1 3 598.41D Assignment of visitation or joint physical care ====  
1 4 parent serving active duty ==== family member.  
1 5 1. Notwithstanding any provision to the contrary, a parent  
1 6 who has been granted court-ordered visitation with the parent's  
1 7 minor child may file an application for modification of a  
1 8 decree or a petition for modification of an order regarding  
1 9 child visitation, prior to or during the time the parent is  
1 10 serving active duty in the military service of the United  
1 11 States, to temporarily assign that parent's visitation rights  
1 12 to a family member of the minor child, as specified by the  
1 13 parent. The application or petition shall be accompanied by an  
1 14 affidavit from the family member indicating the family member's  
1 15 knowledge of the application or petition and willingness to  
1 16 exercise the parent's visitation rights during the parent's  
1 17 absence. The application or petition shall also request  
1 18 any change in the visitation schedule necessitated by the  
1 19 assignment.  
1 20 2. Notwithstanding any provision to the contrary, a parent  
1 21 who has been granted court-ordered joint physical care of the  
1 22 parent's minor child may file an application for modification  
1 23 of a decree or a petition for modification of an order  
1 24 regarding child custody, prior to or during the time the parent  
1 25 is serving active duty in the military service of the United  
1 26 States, to temporarily assign the parent's joint physical  
1 27 care parenting time to a family member of the minor child, as  
1 28 specified by the parent. The application or petition shall be  
1 29 accompanied by an affidavit from the family member indicating  
1 30 the family member's knowledge of the application or petition  
1 31 and willingness to exercise the parent's joint physical care  
1 32 parenting time during the parent's absence. The application or  
1 33 petition shall also request any change in the joint physical  
1 34 care parenting time schedule necessitated by the assignment.  
1 35 ~~2.~~ 3. a. If the active duty of a parent affects the



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2 1 parent's ability or anticipated ability to appear at a  
2 2 regularly scheduled hearing, the court shall provide for an  
2 3 expedited hearing in matters instituted under this section.

2 4 b. If the active duty or anticipated active duty of a parent  
2 5 prevents the parent from appearing in person at a hearing, the  
2 6 court shall provide, upon reasonable advance notice, for the  
2 7 parent to present testimony and evidence by electronic means  
2 8 in matters instituted under this section. For the purposes of  
2 9 this paragraph, "electronic means" includes communication by  
2 10 telephone, video teleconference, or the internet.

2 11 ~~3.~~ 4. a. The court may grant the parent's request for  
2 12 temporary assignment of visitation or joint physical care  
2 13 parenting time and any change in the visitation or joint  
2 14 physical care parenting time schedule requested if the court  
2 15 finds that such assignment of visitation or joint physical care  
2 16 parenting time is in the best interest of the child.

2 17 b. In determining the best interest of the child, the court  
2 18 shall ensure all of the following:

2 19 (1) That the specified family member is not a sex offender  
2 20 as defined in section 692A.101.

~~2 21 (2) That the specified family member does not have a history  
2 22 of domestic abuse, as defined in section 236.2. In determining  
2 23 whether a history of domestic abuse exists, the court's  
2 24 consideration shall include but is not limited to commencement  
2 25 of an action pursuant to section 236.3, the issuance of a  
2 26 protective order against the individual or the issuance of a  
2 27 court order or consent agreement pursuant to section 236.5,  
2 28 the issuance of an emergency order pursuant to section 236.6,  
2 29 the holding of an individual in contempt pursuant to section  
2 30 664A.7, the response of a peace officer to the scene of  
2 31 alleged domestic abuse or the arrest of an individual following  
2 32 response to a report of alleged domestic abuse, or a conviction  
2 33 for domestic abuse assault pursuant to section 708.2A.~~

~~2 34 (3) That the specified family member does not have a record  
2 35 of founded child or dependent adult abuse.~~



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3 1 ~~(4)~~ (2) That the specified family member has an established  
3 2 relationship with the child and assigning visitation or joint  
3 3 physical care parenting time to the specified family member  
3 4 will provide the child the opportunity to maintain an ongoing  
3 5 family relationship that is important to the child.  
3 6 ~~(5)~~ (3) That the specified family member is able to  
3 7 personally and financially support the child and will support  
3 8 the child's relationship with both of the child's parents  
3 9 during the assigned visitation or joint physical care parenting  
3 10 time.  
3 11 c. In determining the best interest of the child, the court  
3 12 shall consider:  
3 13 (1) Whether the specified family member has a history of  
3 14 domestic abuse, as defined in section 236.2. In determining  
3 15 whether a history of domestic abuse exists, the court's  
3 16 consideration shall include but is not limited to commencement  
3 17 of an action pursuant to section 236.3, the issuance of a  
3 18 protective order against the individual or the issuance of a  
3 19 court order or consent agreement pursuant to section 236.5,  
3 20 the issuance of an emergency order pursuant to section 236.6,  
3 21 the holding of an individual in contempt pursuant to section  
3 22 664A.7, the response of a peace officer to the scene of  
3 23 alleged domestic abuse or the arrest of an individual following  
3 24 response to a report of alleged domestic abuse, or a conviction  
3 25 for domestic abuse assault pursuant to section 708.2A.  
3 26 (2) Whether the specified family member has a record of  
3 27 founded child or dependent adult abuse.  
3 28 ~~4.~~ 5. An order granting assignment of visitation ~~rights~~  
~~3 29~~ or joint physical care parenting time under this section does  
3 30 not create separate rights to visitation or joint physical care  
3 31 parenting time for a person other than the parent.  
3 32 6. An order granted under this section may temporarily  
3 33 assign visitation or joint physical care parenting time that  
3 34 is equal to or less than the visitation or joint physical care  
3 35 parenting time awarded to the parent whose visitation or joint



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4 1 physical care parenting time is assigned.

4 2 ~~5. 7. The parent whose visitation rights are or joint~~

4 3 physical care parenting time is temporarily assigned shall

4 4 provide a copy of the order granting assignment of visitation

4 5 or joint physical care parenting time to the school and school

4 6 district of the child to whom the order applies.

4 7 ~~6. 8. An order granting temporary assignment of visitation~~

4 8 ~~rights or joint physical care parenting time pursuant to this~~

4 9 ~~section shall terminate upon notification of the court by the~~

4 10 ~~parent or automatically upon the parent's completion of active~~

4 11 ~~duty, whichever occurs first.~~

4 12 ~~7. 9. After a parent completes active duty, if an~~

4 13 ~~application for modification of a decree or a petition for~~

4 14 ~~modification of an order is filed, the parent's absence due to~~

4 15 ~~active duty or the assignment of visitation rights or joint~~

4 16 ~~physical care parenting time does not constitute a substantial~~

4 17 ~~change in circumstances, and the court shall not consider a~~

4 18 ~~parent's absence due to that active duty or the assignment~~

4 19 ~~of visitation rights or joint physical care parenting time~~

4 20 ~~in making a determination regarding the best interest of the~~

4 21 ~~child relative to such an application or petition filed after a~~

4 22 ~~parent completes active duty.~~

4 23 ~~8. 10. As used in this section, "active duty" means active~~

4 24 ~~military duty pursuant to orders issued under Tit. X of the~~

4 25 ~~United States Code. However, this section shall not apply to~~

4 26 ~~active guard and reserve duty or similar full-time military~~

4 27 ~~duty performed by a parent when the child remains in actual~~

4 28 ~~custody of the parent.~~

4 29 EXPLANATION

4 30 This bill relates to custody-related issues of children of

4 31 active duty military personnel. The bill provides that in

4 32 addition to assignment of court-ordered visitation, a parent

4 33 who will be or is serving active duty in the military service

4 34 of the United States may petition to have joint physical

4 35 care parenting time assigned to a family member of the minor



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5 1 child as specified by the parent. As with the assignment of  
5 2 visitation, the court must determine that the assignment of  
5 3 joint physical care parenting time is in the best interest of  
5 4 the child. The bill also amends the best interest of the child  
5 5 determination by the court to provide that in determining the  
5 6 best interest of the child in addition to factors the court is  
5 7 to ensure, the bill includes that the specified family member  
5 8 will support the child's relationship with both of the child's  
5 9 parents during the assigned visitation or joint physical care  
5 10 parenting time. However, the bill amends the current factors  
5 11 that the court is to ensure and instead requires that the court  
5 12 consider whether the specified family member has a history of  
5 13 domestic abuse and whether the specified family member has a  
5 14 record of founded child or dependent abuse.

5 15 The bill also provides that an order granted under the  
5 16 bill may temporarily assign visitation or joint physical care  
5 17 parenting time that is equal to or less than the visitation or  
5 18 joint physical care parenting time awarded to the parent.

LSB 1840SS (5) 84

pf/nh



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**Senate File 80 - Introduced**

SENATE FILE  
BY MCKINLEY

**A BILL FOR**

- 1 An Act relating to raccoon hunting.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1896XS (2) 84  
av/nh



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Senate File 80 - Introduced continued

PAG LIN

1 1 Section 1. Section 483A.24, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 7A. A resident of the state under sixteen  
1 4 years of age is not required to have a fur harvester license  
1 5 to accompany the minor's parent or guardian, or any other  
1 6 competent adult with the consent of the minor's parent or  
1 7 guardian, while the parent or guardian or other adult is  
1 8 hunting raccoons so long as the minor is not hunting and does  
1 9 not carry or use a firearm or any other weapon.

1 10 EXPLANATION

1 11 This bill allows a resident of this state who is under 16  
1 12 years of age to accompany the minor's parent or guardian, or  
1 13 any other competent adult with the consent of the minor's  
1 14 parent or guardian, while that person is hunting raccoons  
1 15 without obtaining a fur harvester license so long as the minor  
1 16 does not hunt or carry a firearm or weapon of any kind.

LSB 1896XS (2) 84

av/nh



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**Senate File 81 - Introduced**

SENATE FILE

BY ZAUN, BEHN, MCKINLEY,  
KETTERING, SEYMOUR,  
ANDERSON, HAHN,  
CHELGREN, BACON, and  
KAPUCIAN

**A BILL FOR**

1 An Act relating to exemptions from the prohibitions of the  
2 smokefree air Act for some bars.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
  TLSB 1699XS (5) 84  
  pf/rj



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Senate File 81 - Introduced continued

PAG LIN

1 1 Section 1. Section 142D.2, subsections 1 and 17, Code 2011,  
1 2 are amended to read as follows:  
1 3 1. "Bar" means an establishment where one may purchase  
1 4 alcoholic beverages, as defined in section 123.3, for  
1 5 consumption on the premises and in which ~~the serving of food is~~  
~~1 6 only incidental to the consumption of those sixty percent or~~  
1 7 more of the gross revenue of the establishment is derived from  
1 8 the sales of such beverages.

1 9 17. "Restaurant" means an eating establishment  
~~1 10 establishment, including a private and or public school~~  
1 11 cafeterias cafeteria, which offer offers food to the public,  
1 12 guests, or employees, including the kitchen and catering  
1 13 facilities in which food is prepared on the premises for  
1 14 servicing elsewhere, and including a bar an area within a  
1 15 restaurant where one may purchase alcoholic beverages, as  
1 16 defined in section 123.3, for consumption on the premises.

1 17 Sec. 2. Section 142D.3, subsection 2, paragraph b, Code  
1 18 2011, is amended by striking the paragraph.

1 19 Sec. 3. Section 142D.4, subsection 10, Code 2011, is amended  
1 20 to read as follows:

1 21 10. Only the gaming floor of a premises licensed pursuant  
1 22 to chapter 99F exclusive of any bar or restaurant located  
1 23 within the gaming floor which is an enclosed area and, unless  
~~1 24 otherwise exempt pursuant to subsection 12,~~ subject to the  
1 25 prohibitions of section 142D.3.

1 26 Sec. 4. Section 142D.4, Code 2011, is amended by adding the  
1 27 following new subsection:

1 28 NEW SUBSECTION. 12. A bar to which only individuals  
1 29 twenty=one years of age and older are invited and allowed  
1 30 entrance.

1 31 EXPLANATION  
1 32 This bill amends the smokefree air Act (Code chapter 142D)  
1 33 relating to bars. The bill redefines "bar" under the Act  
1 34 to provide that a bar is an establishment in which alcoholic  
1 35 beverages may be purchased for consumption on the premises



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2 1 and in which at least 60 percent of the gross revenue of the  
2 2 establishment is derived from the sales of such beverages. The  
2 3 bill changes the definition of "restaurant" to include areas of  
2 4 the restaurant where alcoholic beverages can be purchased and  
2 5 consumed rather than referring to the new definition of "bar".  
2 6 The bill exempts bars to which only individuals 21 years  
2 7 of age and older are invited and allowed entrance from  
2 8 the smoking prohibitions of the Act. The bill changes the  
2 9 reference to bars that are located within gaming floors to  
2 10 reflect the exemption. The bill also eliminates the provision  
2 11 prohibiting smoking in the outdoor seating and serving areas  
2 12 of restaurants.

LSB 1699XS (5) 84

pf/rj



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**Senate File 82 - Introduced**

SENATE FILE  
BY ZAUN

(COMPANION TO HF 43 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 1258XS (1) 84  
tw/sc



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Senate File 82 - Introduced continued

PAG LIN

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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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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**Senate File 83 - Introduced**

SENATE FILE  
BY DEARDEN

**A BILL FOR**

1 An Act allowing the establishment of an open season for hunting  
2 mourning doves.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1192SS (1) 84  
av/nh



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Senate File 83 - Introduced continued

PAG LIN

1 1 Section 1. Section 481A.48, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. ~~No~~ A person, except as otherwise provided by law, shall  
1 4 not willfully disturb, pursue, shoot, kill, take or attempt  
1 5 to take or have in possession any of the following game birds  
1 6 or animals except within the open season established by the  
1 7 commission: Gray or fox squirrel, bobwhite quail, cottontail  
1 8 or jackrabbit, duck, snipe, pheasant, goose, woodcock,  
1 9 partridge, mourning dove, coot, rail, ruffed grouse, wild  
1 10 turkey, pigeons, or deer. The seasons, bag limits, possession  
1 11 limits, and locality shall be established by the department or  
1 12 commission under the authority of sections 456A.24, 481A.38,  
1 13 and 481A.39.

1 14 EXPLANATION  
1 15 This bill authorizes the natural resource commission to  
1 16 establish an open season for hunting mourning doves.  
LSB 1192SS (1) 84  
av/nh



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**Senate File 84 - Introduced**

SENATE FILE  
BY ANDERSON

(COMPANION TO hf 3 by  
Horbach)

**A BILL FOR**

1 An Act providing for the placement of a right-to-work notice on  
2 department of economic development materials.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1510SS (1) 84  
je/rj



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Senate File 84 - Introduced continued

PAG LIN

1 1 Section 1. Section 15.108, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 12. Labor relations. To provide  
1 4 information relating to the rights of workers and employers in  
1 5 the state. To carry out this responsibility, the department  
1 6 shall include the phrase, "Iowa is a Right=to=Work State"  
1 7 in bold letters on all business recruitment, tourism, and  
1 8 promotional literature.

1 9 EXPLANATION  
1 10 This bill relates to the promotion of Iowa as a right=to=work  
1 11 state. The bill requires the placement of the phrase, "Iowa  
1 12 is a Right=to=Work State" on the department of economic  
1 13 development's business recruitment, tourism, and promotional  
1 14 literature.

LSB 1510SS (1) 84  
je/rj



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**Senate File 85 - Introduced**

SENATE FILE  
BY DANDEKAR

**A BILL FOR**

1 An Act establishing the Iowa online advanced placement academy  
2 science, technology, engineering, and mathematics initiative  
3 and making an appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1627XS (3) 84  
kh/nh



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Senate File 85 - Introduced continued

PAG LIN

1 1 Section 1. Section 263.8A, Code 2011, is amended to read as  
1 2 follows:

1 3 263.8A International center for talented and gifted education  
1 4 ==== Iowa online advanced placement academy science, technology,  
1 5 engineering, and mathematics initiative ==== standing limited  
1 6 appropriation.

1 7 1. a. The state board of regents shall establish and  
1 8 maintain at Iowa City as an integral part of the state  
1 9 university of Iowa the international center for talented and  
1 10 gifted education. The international center shall provide  
1 11 programs to assist classroom teachers to teach gifted and  
1 12 talented students in regular classrooms, provide programs  
1 13 to enhance the learning experiences of gifted and talented  
1 14 students, serve as a center for national and international  
1 15 symposiums and policy forums for enhancing the teaching of  
1 16 gifted and talented students, and undertake other appropriate  
1 17 activities to enhance the programs of the center, including,  
1 18 but not limited to, coordinating and working with the world  
1 19 council for gifted and talented children, incorporated.

1 20 b. An international center endowment fund is established  
1 21 at the state university of Iowa and gifts and grants to the  
1 22 international center and investment earnings and returns on  
1 23 the endowment fund shall be deposited in the fund and may be  
1 24 expended by the state university of Iowa for the purposes for  
1 25 which the international center was established.

1 26 2. a. The Iowa online advanced placement academy science,  
1 27 technology, engineering, and mathematics initiative is  
1 28 established within the international center for talented and  
1 29 gifted education at the state university of Iowa to deliver,  
1 30 with an emphasis on science, technology, engineering, and  
1 31 mathematics coursework, preadvanced placement and advanced  
1 32 placement courses to high school students throughout the state,  
1 33 provide training opportunities for teachers to learn how to  
1 34 teach advanced placement courses in Iowa's high schools, and  
1 35 provide preparation for middle school students to ensure



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2 1 success in high school.

2 2 b. There is appropriated from the general fund of the state

2 3 to the state board of regents for each fiscal year the sum of

2 4 seven hundred and fifty thousand dollars for allocation to the

2 5 state university of Iowa for purposes of administering the

2 6 Iowa online advanced placement academy science, technology,

2 7 engineering, and mathematics initiative in accordance with this

2 8 subsection.

2 9

EXPLANATION

2 10 This bill establishes within the international center

2 11 for talented and gifted education at the state university

2 12 of Iowa the Iowa online advanced placement academy STEM

2 13 initiative, the purpose of which is to deliver, with an

2 14 emphasis on science, technology, engineering, and mathematics

2 15 coursework, preadvanced placement and advanced placement

2 16 courses to high school students throughout the state, provide

2 17 training opportunities for teachers to learn how to teach

2 18 advanced placement courses in Iowa's high schools, and provide

2 19 preparation for middle school students to ensure success in

2 20 high school.

2 21 The bill also establishes a standing limited appropriation

2 22 from the general fund of the state to the state board of

2 23 regents for each fiscal year the sum of \$750,000 for allocation

2 24 to the university of Iowa for purposes of administering the

2 25 Iowa online advanced placement academy STEM initiative.

LSB 1627XS (3) 84

kh/nh



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**Senate File 86 - Introduced**

SENATE FILE  
BY DANDEKAR

**A BILL FOR**

1 An Act relating to the establishment of school district  
2 policies to prevent and address incidents of dating  
3 violence, and providing effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1988XS (2) 84  
kh/nh



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Senate File 86 - Introduced continued

PAG LIN

1 1 Section 1. Section 256.9, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 62. a. Develop and distribute, by July 1,  
1 4 2012, to all school districts a model dating violence policy  
1 5 to assist school districts in developing policies for dating  
1 6 violence reporting, response, and appropriate disciplinary  
1 7 procedures.  
1 8 b. Review and approve the grade level topics relating  
1 9 to dating violence and healthy relationships in the health  
1 10 curriculum required pursuant to section 256.11, subsection 4,  
1 11 and the health education curriculum standards required pursuant  
1 12 to section 256.11, subsection 5, paragraph "j".  
1 13 Sec. 2. Section 256.11, subsection 4, Code 2011, is amended  
1 14 to read as follows:  
1 15 4. The following shall be taught in grades seven and  
1 16 eight: English=language arts; social studies; mathematics;  
1 17 science; health; age=appropriate and research=based human  
1 18 growth and development; family, consumer, career, and  
1 19 technology education; physical education; music; and visual  
1 20 art. The health curriculum shall incorporate age=appropriate  
1 21 dating violence education as specified in section 279.68,  
1 22 subsection 6, and shall also include age=appropriate and  
1 23 research=based information regarding the characteristics  
1 24 of sexually transmitted diseases, including HPV and the  
1 25 availability of a vaccine to prevent HPV, and acquired immune  
1 26 deficiency syndrome. The state board as part of accreditation  
1 27 standards shall adopt curriculum definitions for implementing  
1 28 the program in grades seven and eight. However, this  
1 29 subsection shall not apply to the teaching of family, consumer,  
1 30 career, and technology education in nonpublic schools. For  
1 31 purposes of this section, "age=appropriate", "HPV", and  
1 32 "research=based" mean the same as defined in section 279.50.  
1 33 Sec. 3. Section 256.11, subsection 5, paragraph j,  
1 34 subparagraph (1), Code 2011, is amended to read as follows:  
1 35 (1) One unit of health education which shall include



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2 1 personal health; food and nutrition; environmental health;  
2 2 safety and survival skills; consumer health; family life;  
2 3 age=appropriate dating violence education as specified  
2 4 in section 279.68, subsection 6; age=appropriate and  
2 5 research=based human growth and development; substance abuse  
2 6 and nonuse; emotional and social health; health resources; and  
2 7 prevention and control of disease, including age=appropriate  
2 8 and research=based information regarding sexually transmitted  
2 9 diseases, including HPV and the availability of a vaccine to  
2 10 prevent HPV, and acquired immune deficiency syndrome.  
2 11 Sec. 4. NEW SECTION. 279.68 Dating violence prevention and  
2 12 education policy.  
2 13 1. Legislative findings. The general assembly finds that  
2 14 when a student is a victim of dating violence, the student's  
2 15 academic life suffers and the student's safety at school  
2 16 is jeopardized. The general assembly declares that all  
2 17 students have a right to work and study in a safe, supportive  
2 18 environment that is free from harassment, intimidation, and  
2 19 violence. It is the intent of the general assembly that the  
2 20 board of directors of each school district shall establish a  
2 21 policy to create an environment free of dating violence and for  
2 22 responding to incidents of dating violence, and shall provide  
2 23 dating violence education to students, parents, staff, faculty,  
2 24 and administrators in order to prevent dating violence and to  
2 25 address incidents involving student dating violence.  
2 26 2. Definitions. As used in this section, unless the context  
2 27 otherwise requires:  
2 28 a. "At school" means in a classroom on or immediately  
2 29 adjacent to school premises; on a school bus or other  
2 30 school=related vehicle; at an official school bus stop; or at  
2 31 any school=sponsored activity or event whether or not it takes  
2 32 place on school grounds.  
2 33 b. "Dating partner" means any person, regardless of gender,  
2 34 involved in an intimate relationship with another primarily  
2 35 characterized by the expectation of affectionate involvement



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3 1 whether casual, serious, or long-term.

3 2 c. "Dating violence" means a pattern of behavior pursuant  
3 3 to which a person uses threats of, or actually uses, physical,  
3 4 sexual, verbal, or emotional abuse to control the person's  
3 5 dating partner.

3 6 3. Policy. By December 1, 2012, the board of directors  
3 7 of each school district shall establish a specific policy to  
3 8 address incidents of dating violence involving students at  
3 9 school. Each school district shall verify compliance with this  
3 10 section with the department of education on an annual basis  
3 11 through the comprehensive school improvement plan submitted  
3 12 pursuant to section 256.7, subsection 21.

3 13 a. The policy shall include but not be limited to a  
3 14 statement that dating violence will not be tolerated, dating  
3 15 violence reporting procedures, guidelines for responding  
3 16 to at-school incidents of dating violence, and discipline  
3 17 procedures specific to such incidents.

3 18 b. To ensure notice of the school district's dating violence  
3 19 policy, the policy shall be published in any school district  
3 20 policy or handbook that sets forth the comprehensive rules,  
3 21 procedures, and standards of conduct for students at school.

3 22 4. Training. The board of directors of each school  
3 23 district shall provide for dating violence training for all  
3 24 administrators, teachers, nurses, and mental health staff at  
3 25 the middle and high school levels by December 1, 2012, and  
3 26 yearly thereafter to all newly hired administrators, teachers,  
3 27 nurses, and mental health staff. Upon the recommendation of an  
3 28 administrator, other staff may be included or may attend the  
3 29 training on a volunteer basis. The dating violence training  
3 30 shall include but not be limited to basic principles of  
3 31 dating violence, the warning signs of dating violence, and the  
3 32 school district's dating violence policy, to ensure that those  
3 33 receiving the training are able to appropriately respond to  
3 34 incidents of dating violence at school.

3 35 5. Notification of policy. The board of directors of each



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4 1 school district shall inform the students' parents or legal  
4 2 guardians of the school district's dating violence policy. If  
4 3 requested, the school district shall provide the parents or  
4 4 legal guardians with the school district's dating violence  
4 5 policy and relevant information. The board of directors of  
4 6 each school district is strongly encouraged to provide parent  
4 7 awareness training.

4 8 6. Health curriculum and standards. The board of directors  
4 9 of each school district shall incorporate dating violence  
4 10 education that is age-appropriate into the health curriculum  
4 11 and curriculum standards for students in grades seven  
4 12 through twelve which are required pursuant to section 256.11,  
4 13 subsection 4, and section 256.11, subsection 5, paragraph "j".

4 14 a. Dating violence education shall include but not  
4 15 be limited to information on the definition of dating  
4 16 violence, recognizing dating violence warning signs, and the  
4 17 characteristics of healthy relationships.

4 18 b. Upon written request to the principal of the school of  
4 19 attendance, a parent or legal guardian of a student, within  
4 20 a reasonable period of time after the request is made, shall  
4 21 be permitted to examine the dating violence education program  
4 22 instruction materials at the school in which the student is  
4 23 enrolled.

4 24 7. Remedies and liability. This section does not prevent  
4 25 a victim from seeking redress under any other available law,  
4 26 either civil or criminal. This section does not create or  
4 27 alter any tort liability.

4 28 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance  
4 29 with section 25B.2, subsection 3, the state cost of requiring  
4 30 compliance with any state mandate included in this Act shall  
4 31 be paid by a school district from state school foundation aid  
4 32 received by the school district under section 257.16. This  
4 33 specification of the payment of the state cost shall be deemed  
4 34 to meet all of the state funding-related requirements of  
4 35 section 25B.2, subsection 3, and no additional state funding



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5 1 shall be necessary for the full implementation of this Act  
5 2 by and enforcement of this Act against all affected school  
5 3 districts.

5 4 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
5 5 immediate importance, takes effect upon enactment.

5 6 EXPLANATION

5 7 This bill requires school districts to adopt a dating  
5 8 violence policy by December 1, 2012, provide dating violence  
5 9 training to faculty and staff, and incorporate age-appropriate  
5 10 dating violence education into the health curriculum and  
5 11 standards for students in grades 7 through 12. The bill  
5 12 also requires the director of the department of education to  
5 13 develop and distribute to all school districts a model dating  
5 14 violence policy by July 1, 2012, to assist school districts in  
5 15 developing policies for dating violence reporting, response,  
5 16 and appropriate disciplinary procedures; and to review and  
5 17 approve the grade level topics relating to dating violence and  
5 18 healthy relationships in the health curriculum required under  
5 19 the state's education standards.

5 20 The bill includes the general assembly's finding that  
5 21 dating violence causes a student's academic life to suffer  
5 22 and jeopardizes the student's safety; the general assembly's  
5 23 declaration that all students have a right to work and study in  
5 24 a safe, supportive environment that is free from harassment,  
5 25 intimidation, and violence; and the intent of the general  
5 26 assembly that school districts shall establish a dating  
5 27 violence policy and provide dating violence education to  
5 28 students, parents, staff, faculty, and administrators.

5 29 The bill defines dating violence to mean a pattern of  
5 30 behavior pursuant to which a person uses threats of, or  
5 31 actually uses, physical, sexual, verbal, or emotional abuse  
5 32 to control the person's dating partner. "Dating partner" is  
5 33 defined as any person, regardless of gender, involved in an  
5 34 intimate relationship with another primarily characterized  
5 35 by the expectation of affectionate involvement whether



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6 1 casual, serious, or long-term. "At school" means in a  
6 2 classroom on or immediately adjacent to school premises, on  
6 3 school-related vehicles, at an official school bus stop, or at  
6 4 any school-sponsored activity or event.  
6 5 The policy must include a statement that dating violence  
6 6 will not be tolerated, dating violence reporting procedures,  
6 7 guidelines for responding to at-school incidents of dating  
6 8 violence, and discipline procedures specific to such incidents.  
6 9 The policy must be published in any school district policy or  
6 10 handbook.  
6 11 The training must include the basic principles of dating  
6 12 violence and the warning signs of dating violence to ensure  
6 13 that those receiving the training are able to appropriately  
6 14 respond to incidents of dating violence at school.  
6 15 The school district must inform the students' parents or  
6 16 legal guardians of the school district's dating violence policy  
6 17 and, if requested, provide them with the policy and relevant  
6 18 information. The bill strongly encourages school districts to  
6 19 provide parent awareness training.  
6 20 The health curriculum and standards must include  
6 21 information on defining dating violence, recognizing dating  
6 22 violence warning signs, and the characteristics of healthy  
6 23 relationships.  
6 24 The bill does not prevent a victim from seeking redress under  
6 25 any other available law, and does not create or alter any tort  
6 26 liability.  
6 27 The bill may include a state mandate as defined in Code  
6 28 section 25B.3. The bill requires that the state cost of  
6 29 any state mandate included in the bill be paid by a school  
6 30 district from state school foundation aid received by the  
6 31 school district under Code section 257.16. The specification  
6 32 is deemed to constitute state compliance with any state mandate  
6 33 funding-related requirements of Code section 25B.2. The  
6 34 inclusion of this specification is intended to reinstate the  
6 35 requirement of political subdivisions to comply with any state



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Senate File 86 - Introduced continued

- 7 1 mandates included in the bill.
  - 7 2 The bill takes effect upon enactment.
- LSB 1988XS (2) 84  
kh/nh



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**Senate Joint Resolution 5 - Introduced**

SENATE JOINT RESOLUTION  
BY ANDERSON and BERTRAND

**SENATE JOINT RESOLUTION**

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa restricting the use of revenues derived  
3 from an increase in the state sales and use tax rates for  
4 school infrastructure purposes.  
5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1408XS (8) 84  
md/rj



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Senate Joint Resolution 5 - Introduced continued

PAG LIN

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

1 3 Article VII of the Constitution of the State of Iowa is  
1 4 amended by adopting the following new section:  
1 5 School infrastructure revenues. SEC. 11. All revenue  
1 6 derived from an increase in the state sales or use tax rate,  
1 7 which was dedicated for school infrastructure or school  
1 8 property tax relief purposes, shall be used solely for purposes  
1 9 of funding school district infrastructure needs or for  
1 10 providing school district property tax relief as provided in  
1 11 laws enacted by the general assembly.

1 12 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed  
1 13 amendment to the Constitution of the State of Iowa is referred  
1 14 to the general assembly to be chosen at the next general  
1 15 election for members of the general assembly, and the secretary  
1 16 of state is directed to cause the proposed amendment to be  
1 17 published for three consecutive months previous to the date of  
1 18 the election as provided by law.

1 19 EXPLANATION

1 20 This joint resolution proposes an amendment to the  
1 21 Constitution of the State of Iowa. The amendment provides that  
1 22 the revenues derived from an increase in the state sales and  
1 23 use tax rates which were dedicated for school infrastructure  
1 24 or school property tax relief purposes shall only be used for  
1 25 funding school district infrastructure needs or for providing  
1 26 school district property tax relief as provided in laws enacted  
1 27 by the general assembly.

1 28 The resolution, if adopted, will be referred to the next  
1 29 general assembly. If the next general assembly adopts the  
1 30 resolution, the amendment will be submitted to the voters for  
1 31 ratification.

LSB 1408XS (8) 84

md/rj



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**Senate Joint Resolution 6 - Introduced**

SENATE JOINT RESOLUTION  
BY ZAUN, BACON, BARTZ,  
BEHN, CHELGREN,  
FEENSTRA, GREINER,  
JOHNSON, and SORENSON

**SENATE JOINT RESOLUTION**

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa relating to the appointment of nominees  
3 to the supreme court by the governor.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1721XS (3) 84  
jm/rj



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Senate Joint Resolution 6 - Introduced continued

PAG LIN

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

1 3 Section 15 of Article V of the Constitution of the State of  
1 4 Iowa, as added by the Amendment of 1962, is amended to read as  
1 5 follows:

1 6 Vacancies in courts. SEC. 15. Vacancies in the supreme  
1 7 court and district court shall be filled by appointment by the  
1 8 governor from lists of nominees submitted by the appropriate  
1 9 judicial nominating commission. Three nominees shall be  
1 10 submitted for each supreme court vacancy, and two nominees  
1 11 shall be submitted for each district court vacancy. If the  
1 12 governor fails for thirty days to make ~~the~~ an appointment  
1 13 from the district court nominees, ~~it~~ the appointment shall  
1 14 be made from ~~such~~ the nominees by the chief justice of the  
1 15 supreme court. The governor may reject all three nominees for  
1 16 a supreme court vacancy and the nomination process shall start  
1 17 anew until the governor appoints a nominee to fill the vacancy.

1 18 Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment  
1 19 to the Constitution of the State of Iowa is referred to the  
1 20 general assembly to be chosen at the next general election  
1 21 for members of the general assembly, and the secretary of  
1 22 state is directed to cause the same to be published for three  
1 23 consecutive months previous to the date of that election as  
1 24 provided by law.

EXPLANATION

1 26 This joint resolution proposes an amendment to the  
1 27 Constitution of the State of Iowa relating to the appointment  
1 28 of nominees to the supreme court by the governor.

1 29 The resolution provides that the governor may reject  
1 30 all three nominees for a supreme court vacancy by the state  
1 31 judicial nominating commission, in which case, the nomination  
1 32 process shall start anew until the governor appoints a nominee  
1 33 to fill the vacancy.

1 34 The Constitution currently requires the governor to appoint  
1 35 a nominee from the list of three nominees submitted by the



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Senate Joint Resolution 6 - Introduced continued

2 1 state judicial nominating commission, and if the governor does  
2 2 not make an appointment within 30 days of receiving the list of  
2 3 nominees, the chief justice is required to make the appointment  
2 4 from the list of such nominees.  
2 5 The resolution, if adopted, would be referred to the next  
2 6 general assembly (Eighty=fifth) for adoption before the  
2 7 amendment is submitted to the electorate for ratification.

LSB 1721XS (3) 84

jm/rj



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## Senate Resolution 2 - Introduced

PAG LIN

SENATE RESOLUTION NO.

BY COMMITTEE ON RULES AND ADMINISTRATION

1 1 A Resolution relating to permanent rules of the senate  
1 2 for the ~~eighty-third~~ eighty-fourth general assembly.  
1 3 BE IT RESOLVED BY THE SENATE, That the permanent  
1 4 rules of the senate for the ~~eighty-third~~ eighty-fourth  
1 5 general assembly be as follows:  
1 6 RULES OF THE SENATE  
1 7 Rule 1  
1 8 Quorum  
1 9 A constitutional majority shall constitute a quorum  
1 10 of the senate. Any senator may insist a quorum be  
1 11 present.  
1 12 Rule 2  
1 13 Adoption and Amendment of Rules  
1 14 Whenever the senate is operating under temporary  
1 15 rules, the rules may be amended or repealed, or  
1 16 permanent rules may be adopted, by a constitutional  
1 17 majority of the senators. After adoption of permanent  
1 18 rules of the senate during any general assembly, the  
1 19 rules may be amended or repealed by a constitutional  
1 20 majority of the senators voting on a simple resolution.  
1 21 Rule 3  
1 22 Rules of Parliamentary Procedure  
1 23 In cases not covered by senate rules or joint rules,  
1 24 Mason's Manual of Legislative Procedure shall govern.  
1 25 Rule 4  
1 26 Sessions of the General Assembly  
1 27 The election of officers, organization, hiring and  
1 28 compensation of employees, and committees of the senate



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Senate Resolution 2 - Introduced continued

2 1 shall carry over from the first to the second regular  
2 2 sessions and to any extraordinary sessions of the same  
2 3 general assembly.  
2 4 All bills and resolutions introduced in the first  
2 5 regular session of a general assembly which are not  
2 6 withdrawn, lost, or indefinitely postponed shall  
2 7 carry over into the second regular session and to any  
2 8 extraordinary session of the same general assembly.  
2 9 Appointments received from the governor for senate  
2 10 confirmation during any session of a general assembly  
2 11 shall be acted upon prior to adjournment of that  
2 12 session as provided by section 2.32 of the Code.  
2 13 Except as provided by this rule, upon the adjournment  
2 14 of the first regular session and any extraordinary  
2 15 session, each bill or resolution shall be automatically  
2 16 referred back to the committee to which it was  
2 17 originally assigned. The secretary of the senate shall  
2 18 publish in the Journal a list of the bills returned to  
2 19 committee under this rule. Within seven days after  
2 20 the first committee meeting after the convening of  
2 21 the second regular session, committees shall either  
2 22 authorize the chair to refer such bills and resolutions  
2 23 to a subcommittee for consideration, indefinitely  
2 24 postpone further consideration of such bills, or report  
2 25 them out to the floor and place them on the calendar.  
2 26 If the subcommittee is different than that appointed  
2 27 during the first session, the committee chair shall  
2 28 report to the senate the bill or resolution number and  
2 29 the names of the subcommittee members.  
2 30 Bills and resolutions which have been voted upon



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Senate Resolution 2 - Introduced continued

- 3 1 on final passage by either house in any session  
3 2 shall remain on the calendar in the same status as at  
3 3 the end of the session at any subsequent regular or  
3 4 extraordinary session.
- 3 5     Rule 5  
3 6     Regular Order of Daily Business
- 3 7     The following order shall govern, subject to any  
3 8 special order:
- 3 9     1. Correction of the journal.  
3 10    2. Senators to be excused.  
3 11    3. Communications to the Senate.  
3 12    4. Introduction of bills and resolutions.  
3 13    5. Consideration of senate calendar.
- 3 14     Rule 6  
3 15     Senate Calendar
- 3 16     1. Each legislative day the secretary of the senate  
3 17 shall prepare a listing of bills to be known as the  
3 18 "Senate Calendar".
- 3 19     2. The senate calendar may contain a listing under  
3 20 the category "Special Order" which shall be placed at  
3 21 the head of the calendar. Bills in such category shall  
3 22 be those which are specifically set for debate by the  
3 23 majority leader with the consent of the senate on a  
3 24 certain date and time. Bills shall be listed by the  
3 25 secretary in numerical order.
- 3 26     3. The senate calendar shall include separate  
3 27 listings for any bills and resolutions in the following  
3 28 categories:
- 3 29     a. Conference Committee Report  
3 30     b. Bills in Conference Committee



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Senate Resolution 2 - Introduced continued

4 1 c. House Amendment to Senate Amendment to House  
4 2 File  
4 3 d. House Refuses to Concur in Senate Amendment to  
4 4 House File  
4 5 e. Senate Files Amended by the House  
4 6 f. Unfinished Business  
4 7 g. Motions to Reconsider  
4 8 h. Administrative Rules Nullification Resolutions  
4 9 i. Veto Messages from the Governor  
4 10 4. The secretary shall list bills and resolutions  
4 11 in the above categories in numerical order. Upon  
4 12 their first publication in the calendar, bills and  
4 13 resolutions in the above categories may be called up  
4 14 for debate at any time by the majority leader. Motions  
4 15 to reconsider shall be called up as provided by Rule  
4 16 24.  
4 17 5. The senate calendar shall include a listing  
4 18 of senate appropriations committee bills and bills  
4 19 reported out by the senate appropriations committee.  
4 20 The list shall be known as the "Appropriations  
4 21 Calendar". The secretary shall list the bills in  
4 22 numerical order. Upon their first publication in the  
4 23 calendar, bills on the appropriations calendar may be  
4 24 called up for debate at any time by the majority leader  
4 25 provided they are eligible under Rule 8.  
4 26 6. The senate calendar shall include a listing  
4 27 of bills which pertain to the levy, assessment or  
4 28 collection of taxes sponsored by or initially assigned  
4 29 to and reported out by the senate ways and means  
4 30 committee. The list shall be known as the "Ways and



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Senate Resolution 2 - Introduced continued

5 1 Means Calendar". The secretary shall list the bills in  
5 2 numerical order. Upon their first publication in the  
5 3 calendar, bills on the ways and means calendar may be  
5 4 called up for debate at any time by the majority leader  
5 5 provided they are eligible under Rule 8.

5 6 7. The senate calendar shall include a list of  
5 7 bills and resolutions, known as the "Regular Calendar",  
5 8 which shall consist of bills and resolutions reported  
5 9 out by a senate committee. The bills and resolutions  
5 10 reported out each day shall be listed in numerical  
5 11 order. Priority shall be given to senate over house  
5 12 bills and resolutions. Upon their first publication  
5 13 in the calendar, bills on the regular calendar may  
5 14 be called up for debate at any time by the majority  
5 15 leader, provided they are eligible under Rule 8.

5 16 A bill reported out of committee which is  
5 17 subsequently referred to the ways and means or  
5 18 appropriations committee and then reported out of that  
5 19 committee, shall be returned to the regular calendar  
5 20 in numerical order.

5 21 8. The senate calendar shall include a listing of  
5 22 the governor's appointees to state boards, commissions,  
5 23 and other offices requiring senate confirmation. This  
5 24 listing shall be known as the "Confirmation Calendar".  
5 25 Names on the confirmation calendar may be called up  
5 26 for confirmation at any time by the majority leader  
5 27 provided they are eligible under rule 59.

5 28 9. The majority leader, or in the absence of the  
5 29 majority leader the assistant majority leaders, may  
5 30 select from among the bills on the previous legislative



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Senate Resolution 2 - Introduced continued

6 1 day's Senate calendar and from the bills selected  
6 2 create a new listing which shall be known as the  
6 3 "Debate Calendar". The debate calendar shall list  
6 4 bills as the majority leader expects to take them up.  
6 5 A bill or resolution on the debate calendar may be  
6 6 debated only when eligible under Rule 8.  
6 7 10. The majority leader, or in the absence of the  
6 8 majority leader the assistant majority leaders, may  
6 9 create a list of bills or resolutions about which  
6 10 no controversy is believed to exist which shall be  
6 11 known as the "Proposed Noncontroversial Calendar".  
6 12 Bills or resolutions included on this listing may be  
6 13 debated at any time upon being called up for debate  
6 14 by the majority leader. Any bill or resolution which  
6 15 appeared on the previous day's Senate calendar may be  
6 16 placed by any senator on the proposed noncontroversial  
6 17 calendar, which shall be published. Any bill or  
6 18 resolution on the proposed noncontroversial calendar  
6 19 shall be stricken from the list if any senator files  
6 20 a written objection with the secretary of the senate  
6 21 on the first or second legislative day after it  
6 22 appears on the proposed noncontroversial calendar.  
6 23 Any bill stricken from the proposed noncontroversial  
6 24 calendar shall be returned to its former place on  
6 25 the Senate calendar. The secretary shall prepare the  
6 26 noncontroversial calendar which shall consist of all  
6 27 bills or resolutions on the proposed noncontroversial  
6 28 calendar to which no objection was received.  
6 29 11. If the senate shall not be in session on a day  
6 30 assigned in paragraphs nine and ten for action upon a



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Senate Resolution 2 - Introduced continued

7 1 calendar, such assigned action shall occur on the next  
7 2 succeeding legislative day.

7 3 12. On any bill called up for debate from any  
7 4 calendar, debate may continue from day to day until  
7 5 it is adopted, fails, or is postponed or deferred.  
7 6 If further debate is postponed or deferred without a  
7 7 time to continue being set, except for bills on the  
7 8 debate calendar, the bill shall be listed as unfinished  
7 9 business. Bills which are returned to the committee of  
7 10 first referral or to a different committee after being  
7 11 considered by the senate and classified as unfinished  
7 12 business shall be returned to the unfinished business  
7 13 calendar by that committee when the bill is reported  
7 14 out of committee. The unfinished business date on  
7 15 the calendar shall be the date on which the bill was  
7 16 returned to committee. Bills on the debate calendar  
7 17 upon which further debate is postponed or deferred  
7 18 without a time to continue being set shall return to  
7 19 the regular calendar.

7 20 Rule 7

7 21 ~~Steering Committee~~

7 22 ~~The senate may authorize the appointment of a~~  
~~7 23 steering committee. The majority leader shall appoint~~  
~~7 24 the majority party members to the steering committee.~~  
~~7 25 The minority leader shall appoint the minority party~~  
~~7 26 members to the steering committee. The function of the~~  
~~7 27 steering committee shall be to create its own calendar~~  
~~7 28 from the bills and resolutions on the regular calendar.~~  
~~7 29 Bills and resolutions on the steering committee~~  
~~7 30 calendar shall have priority over bills and resolutions~~



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~~Senate Resolution 2 - Introduced continued~~

~~8 1 on all other calendars, except the appropriations  
8 2 calendar. Reserved.~~

8 3 Rule 8

8 4 When Eligible for Consideration

8 5 Bills, resolutions, and appointments shall be  
8 6 eligible for consideration by the senate as follows:

8 7 1. An appointment by the governor which requires  
8 8 senate confirmation shall be eligible on the  
8 9 legislative day after it is first printed in the senate  
8 10 calendar as provided by Rule 59.

8 11 2. A house or individually sponsored bill or  
8 12 resolution reported out by a committee shall be  
8 13 eligible on the legislative day after it is first  
8 14 printed in the senate calendar.

8 15 3. A committee bill or resolution sponsored by  
8 16 the appropriations committee shall be eligible on the  
8 17 legislative day after it is first printed in the senate  
8 18 calendar.

8 19 4. Any committee bill or resolution, other than  
8 20 a bill or resolution sponsored by the appropriations  
8 21 committee, shall be eligible on the third legislative  
8 22 day it is printed in the senate calendar.

8 23 5. A bill that has been reported out to the  
8 24 senate calendar, referred to a different committee  
8 25 and reported out by that committee is eligible for  
8 26 consideration by the senate on the day it would have  
8 27 been eligible under subsection 2, 3, or 4, whichever  
8 28 is applicable, as if the bill had been printed in the  
8 29 calendar after having been reported out by the first  
8 30 committee.



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Senate Resolution 2 - Introduced continued

9 1 Rule 9  
9 2     Debate and Decorum  
9 3     Before addressing the senate, the senator shall  
9 4 request recognition by depressing the "speak" device  
9 5 and, when recognized, rise and respectfully address the  
9 6 chair.  
9 7     The senator shall confine all remarks to the  
9 8 question under debate and shall avoid discussing  
9 9 personalities or implication of improper motives. No  
9 10 questions except by the senator recognized shall be  
9 11 entertained after a senator is recognized to give final  
9 12 remarks.  
9 13     Rule 10  
9 14     Point of Personal Privilege  
9 15     A point of personal privilege shall only be  
9 16 recognized when there is no motion pending or other  
9 17 business being considered by the senate. Points of  
9 18 personal privilege shall not be in order during the  
9 19 time when appropriation subcommittees are scheduled  
9 20 to meet. Senators speaking on a point of personal  
9 21 privilege shall be limited to ten minutes.  
9 22     Rule 11  
9 23     Introduction and Presentation of Guests  
9 24     Only former members of the senate and former and  
9 25 present members of Congress shall be presented to  
9 26 the senate, except that the president of the senate  
9 27 may present a visitor whose presence is of special  
9 28 significance to the senate. The presence of school  
9 29 groups accompanied by school officials shall be  
9 30 announced by the president of the senate and shall



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Senate Resolution 2 - Introduced continued

10 1 be recorded in the journal upon written request of a  
10 2 member of the senate. Senators may be recognized to  
10 3 introduce guests in the galleries when there is no  
10 4 motion pending or other business being considered by  
10 5 the senate. Introductions shall be limited to one  
10 6 minute.

10 7 Rule 12

10 8 Form and Withdrawal of Motions, Amendments and  
10 9 Signatures

10 10 Motions need not be in writing unless required by  
10 11 the president or by the senate. No motion requires  
10 12 a second. Any amendment, motion (including a motion  
10 13 to reconsider), or resolution may be withdrawn by the  
10 14 mover if it has not been amended by the senate and if  
10 15 no amendment is pending. All amendments to bills,  
10 16 resolutions, and reports shall be in writing and filed  
10 17 before being acted upon by the senate.

10 18 No amendment, resolution, bill, or conference  
10 19 committee report shall be considered by the senate  
10 20 without a copy of the amendment, resolution, bill, or  
10 21 conference committee report being on the desks of the  
10 22 entire membership of the senate prior to consideration.  
10 23 However, after the fourteenth week of the first session  
10 24 and the twelfth week of the second session, amendments  
10 25 and senate resolutions may be considered by the senate  
10 26 without a copy of the amendment or senate resolution  
10 27 being on the desks of the entire membership of the  
10 28 senate if a copy of the amendment or senate resolution  
10 29 is made available to the entire membership of the  
10 30 senate electronically. Such consideration shall



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Senate Resolution 2 - Introduced continued

11 1 be deferred until a copy of the amendment or senate  
11 2 resolution is on the desks of the entire membership of  
11 3 the senate upon the request of any senator.

11 4 All amendments, reports, petitions or other  
11 5 documents requiring a signature shall have the name  
11 6 printed under the place for the signature. Once a  
11 7 signature is affixed and the document containing the  
11 8 signature filed with the recording clerk in the well,  
11 9 that signature shall not be removed.

11 10 When an amendment to a main amendment is filed that  
11 11 would negate the effect of the main amendment and  
11 12 thereby leave the bill unchanged, the presiding officer  
11 13 shall have the authority to declare the amendment to  
11 14 the main amendment out of order, subject to an appeal  
11 15 to the full senate.

11 16 When a house amendment to a senate file is before  
11 17 the senate, an amendment to the house amendment shall  
11 18 be considered an amendment in the first degree.

11 19 Regardless of its origin, an amendment in the third  
11 20 degree shall be ruled out of order.

11 21 When a ruling on germaneness is issued by the  
11 22 presiding officer, it shall be accompanied by an  
11 23 explanation of the ruling.

11 24 Rule 13

11 25 Order and Precedence of Motions and Amendments

11 26 When a question is under debate, no motion shall  
11 27 be received but to adjourn, to recess, questions  
11 28 of privilege, to lay on the table, for the previous  
11 29 question, to postpone to a day certain, to refer,  
11 30 to amend, to postpone indefinitely, to defer, or



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Senate Resolution 2 - Introduced continued

12 1 incidental motions. A substitute is not in order  
12 2 unless it is in the form of a motion to substitute.  
12 3 Such motions shall have precedence in the order in  
12 4 which they are named. No motion to postpone to a  
12 5 day certain, to refer, or postpone indefinitely,  
12 6 being decided, shall be again allowed on the same  
12 7 day with regard to the same question. A motion to  
12 8 strike out the enacting clause of a bill shall have  
12 9 precedence over all amendments and, if carried, shall  
12 10 be considered equivalent to the rejection of the bill.  
12 11 A motion to strike everything after the enacting  
12 12 clause has precedence over a committee amendment and  
12 13 all other amendments except one to strike the enacting  
12 14 clause. A committee amendment has precedence over all  
12 15 other amendments except as provided in this rule.  
12 16 A motion to rerefer a bill to committee may specify  
12 17 when the committee shall report the bill to the senate.  
12 18 If the motion is adopted in such form, the committee  
12 19 must report the bill by the date and time specified  
12 20 with or without recommendation or the bill shall  
12 21 automatically be returned to the calendar. When the  
12 22 bill is returned to the calendar, it shall occupy  
12 23 the same position it occupied at the time the bill  
12 24 was rereferred to the committee. If the committee  
12 25 to which the bill is rereferred submits an amendment  
12 26 in its report, that committee amendment shall take  
12 27 precedence over other amendments except if that  
12 28 committee amendment is in conflict with amendments  
12 29 previously adopted, the committee amendment shall  
12 30 not be considered until consideration of motions to



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Senate Resolution 2 - Introduced continued

13 1 reconsider the previously adopted amendments result  
13 2 in removing the conflict. A committee may not file  
13 3 an amendment to a bill unless the bill is in the  
13 4 committee's possession.  
13 5     Rule 14  
13 6     MOTIONS BEFORE THE SENATE  
13 7     Motions before the senate shall be displayed on the  
13 8 electronic voting system display boards.  
13 9     Rule 15  
13 10     Nondebatable Motions  
13 11     The following motions are not debatable:  
13 12     Adjourn  
13 13     Recess  
13 14     Call of the Senate  
13 15     Lay on Table or Take from Table  
13 16     Previous Question  
13 17     Reconsider vote by which bill was placed on last  
13 18 reading.  
13 19     A Motion to Reconsider and Lay the Motion to  
13 20 Reconsider on the Table (Double=barreled Motion).  
13 21     Rule 16  
13 22     Division of the Question  
13 23     Any senator may call for a division of a question,  
13 24 which shall be divided if it includes propositions  
13 25 so distinct that if one is taken away, a substantive  
13 26 proposition shall remain in a technically proper form  
13 27 for the decision of the senate. A motion to strike out  
13 28 and insert is indivisible; but a motion to strike out,  
13 29 if lost, shall not preclude amendments to the matter  
13 30 attempted to be stricken or a motion to strike out and



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Senate Resolution 2 - Introduced continued

14 1 insert.  
14 2     Rule 17  
14 3     The Previous Question  
14 4     The previous question shall be in this form: "Shall  
14 5 debate be closed on the pending question?" A motion  
14 6 for the previous question may be adopted by a majority  
14 7 of the senators present and voting. Its effect shall  
14 8 be to put an end to debate and bring the senate to a  
14 9 direct vote upon the pending question. However, any  
14 10 senator who has not previously spoken on the pending  
14 11 question and who, after the main question is taken up  
14 12 and before the motion for the previous question has  
14 13 been made, requested recognition by depressing the  
14 14 "speak" device may speak no longer than five minutes  
14 15 on the pending question. If action on the pending  
14 16 question continues into another legislative day or is  
14 17 deferred, the previous question shall apply and the  
14 18 requests to be recognized shall be honored.  
14 19     When the motion applies to an amendment, the senator  
14 20 proposing the amendment shall have five minutes to  
14 21 close debate on the amendment.  
14 22     The senator handling the measure under consideration  
14 23 shall have ten minutes to close debate on the main  
14 24 question.  
14 25     Rule 18  
14 26     Call of the Senate  
14 27     Ten senators may file in writing a call of the  
14 28 senate on any single item of legislative business.  
14 29 A call of the senate requires the presence of every  
14 30 senator and is in order at any time prior to the vote



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15 1 being announced by the president. The sergeant-at-arms  
15 2 shall return promptly all absent senators. Debate  
15 3 on the item may continue while absent senators are  
15 4 returning, but no vote on the item is in order on  
15 5 it until all have returned. Adoption of a motion to  
15 6 recess or adjourn to a specific time will not lift  
15 7 the call. The call may be lifted, or a senator may  
15 8 be excused from the call without lifting the call, by  
15 9 a vote of a constitutional majority of the senators.  
15 10 Those senators excused prior to the filing of the call  
15 11 are excused from the call.

15 12 Rule 19

15 13 Committee of the Whole

15 14 The senate may resolve itself into a committee of  
15 15 the whole senate when it wishes to permit more free and  
15 16 informal discussion. Persons other than senators may  
15 17 appear and present information.

15 18 Any senator may move "that the senate now resolve  
15 19 itself into a committee of the whole to consider" a  
15 20 stated subject.

15 21 The president of the senate shall be chair of the  
15 22 committee of the whole unless otherwise ordered by the  
15 23 senate.

15 24 The procedure in committee of the whole is subject  
15 25 to the rules of the senate. The previous question and  
15 26 the motion to reconsider shall be in order.

15 27 The committee of the whole cannot take any final  
15 28 action and its power is limited to recommendation to  
15 29 the senate. The proceedings of the committee of the  
15 30 whole, including any roll call vote, shall be printed



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16 1 in the journal.

16 2 Any senator may at any time, except while voting or  
16 3 while a senator has the floor, move that "the committee  
16 4 rise" which is equivalent to a motion to adjourn.

16 5 After adoption of the motion to rise, the chair  
16 6 may report to the senate in the same manner as other  
16 7 committee reports are given.

16 8 Rule 20

16 9 Last Reading and Passage of Bills

16 10 When a motion to place a bill on its last reading is  
16 11 lost, the same motion shall be in order at any later  
16 12 time. After the last reading of a bill, no amendment  
16 13 shall be received. The vote on final passage shall be  
16 14 taken immediately without debate.

16 15 Rule 21

16 16 Engrossment of Bills

16 17 An engrossment is a proofreading and verification in  
16 18 order to be certain that a bill before the senate is  
16 19 identical with the original bill as introduced with all  
16 20 amendments which have been adopted correctly inserted.

16 21 In an engrossed bill, all obvious typographical,  
16 22 spelling or other clerical errors are corrected and  
16 23 section or paragraph numbers and internal references  
16 24 are changed as required to conform the original bill  
16 25 to any amendments which have been adopted. All such  
16 26 corrections or changes shall be reported in the journal  
16 27 by the secretary of the senate. The engrossed bill  
16 28 shall be placed in the bill file with the original bill  
16 29 and amendments.

16 30 Rule 22



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17 1 Manner of Voting

17 2 On voice vote, the question shall be distinctly put  
17 3 in this form: "Those in favor of (the question) say  
17 4 "aye"." "Those opposed to (the question) say "no"."

17 5 A non=record or record roll call vote may be  
17 6 requested by any senator or ordered by the president  
17 7 any time before the results are announced. A  
17 8 non=record roll call shall be requested by asking for  
17 9 a "division". A record roll call shall be requested by  
17 10 asking for a "record". Upon request for a non=record  
17 11 or record roll call vote, the president shall announce  
17 12 that such a non=record or record roll call vote has  
17 13 been requested and shall state the question to be put  
17 14 to the senate. The president then shall direct the  
17 15 secretary of the senate to receive the votes.

17 16 Senators present may cast their votes, either  
17 17 by operating the voting mechanism located at their  
17 18 assigned desk or by signaling the president if they are  
17 19 unable to vote at their assigned desk. The president  
17 20 shall enter the votes of senators signaling their  
17 21 votes.

17 22 After sufficient time has elapsed for all senators  
17 23 present to record their votes, the president shall  
17 24 direct the secretary of the senate to close the voting  
17 25 system. The president shall still enter the senators'  
17 26 votes at any time prior to directing the secretary of  
17 27 the senate to lock the voting system. The president  
17 28 shall then immediately announce the vote.

17 29 During a non=record or record roll call vote, both  
17 30 individual votes and vote totals shall be indicated



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18 1 openly on the display boards. On non=record roll  
18 2 calls, only vote totals shall be printed in the  
18 3 journal.  
18 4 In the event the electronic voting system is not  
18 5 in operating order, the president shall direct the  
18 6 secretary of the senate to take the non=record or  
18 7 record roll call by calling the names of the senators  
18 8 in alphabetical order.  
18 9 Rule 23  
18 10 Duty of Voting  
18 11 Every senator present when a question is put shall  
18 12 vote "aye", "no" or "present" unless previously excused  
18 13 by the senate. Upon demand being made by any senator,  
18 14 the secretary of the senate shall call in alphabetical  
18 15 order the names of the senators not voting or voting  
18 16 "present". Those senators called shall vote "aye" or  
18 17 "no" unless the senator states a personal interest in  
18 18 the question or concludes that he or she should not  
18 19 vote under the senate code of ethics.  
18 20 Rule 24  
18 21 Reconsideration  
18 22 When a main motion has been decided by the senate,  
18 23 any senator having voted on the prevailing side  
18 24 may move to reconsider the vote on the same or next  
18 25 legislative day. Motions to reconsider the vote on a  
18 26 bill or resolution shall be in writing and filed with  
18 27 the secretary of the senate.  
18 28 Notwithstanding any time limitations applicable  
18 29 to motions to reconsider main motions, a motion to  
18 30 reconsider the vote on an amendment may be made at



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19 1 any time before final disposition of the motion to  
19 2 be amended. Such motion shall be in writing and  
19 3 filed with the secretary of the senate. A motion to  
19 4 reconsider an amendment to a main motion shall be taken  
19 5 up for consideration only prior to the disposition of  
19 6 the main motion or upon reconsideration of the main  
19 7 motion.  
19 8 A constitutional majority by a record roll call is  
19 9 necessary to reconsider a bill or joint resolution.  
19 10 During three legislative days from the date the motion  
19 11 to reconsider a bill or resolution is filed, only the  
19 12 mover may call it up. Thereafter, any senator may call  
19 13 up the motion. If a date for adjournment has been set  
19 14 by resolution of the senate, any senator may call up  
19 15 a motion to reconsider at any time within three days  
19 16 prior to the date set for adjournment.  
19 17 If the motion to reconsider a bill or resolution  
19 18 prevails, motions to reconsider amendments thereto  
19 19 shall be in order and shall be disposed of without  
19 20 delay.  
19 21 A motion that any action taken by the senate be  
19 22 reconsidered and the motion to reconsider be laid upon  
19 23 the table shall be a single and indivisible motion,  
19 24 known as the double=barreled motion, which, if carried,  
19 25 shall have the effect of preventing reconsideration  
19 26 unless a motion to take from the table prevails.  
19 27 A constitutional majority is necessary for the  
19 28 double=barreled motion to prevail on a bill or joint  
19 29 resolution. The double=barreled motion can only be  
19 30 made from the floor after the vote is announced and the



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20 1 member who moved the final reading shall have priority  
20 2 in making it.

20 3 A motion to reconsider and lay on the table shall  
20 4 have priority over a motion to reconsider if they are  
20 5 both filed on the same legislative day.

20 6 In the event that a motion to reconsider is pending  
20 7 at the end of the first session or any extraordinary  
20 8 session of any general assembly, or the general  
20 9 assembly adjourns sine die, and the motion has not been  
20 10 voted upon by the senate, it shall be determined to  
20 11 have failed.

20 12 Rule 25

20 13 ~~Suspension of Rules and Taking from Table~~

20 14 No standing rule, ~~or~~ rules incorporated by reference  
20 15 under Rule 3, or order of the senate shall be rescinded  
20 16 or suspended, ~~nor shall any matter, tabled upon motion,~~  
~~20 17 be taken up, except by unanimous consent of the senate~~  
20 18 or by an affirmative vote of a constitutional majority  
20 19 of the senate voting on a simple resolution.

20 20 INTRODUCTION AND FORM OF BILLS

20 21 Rule 26

20 22 Time and Method of Introducing Bills and Amendments

20 23 All bills to be introduced in the senate shall be  
20 24 typed in proper form by the legislative services agency  
20 25 and shall be filed with the recording clerk.

20 26 All amendments shall be typed in proper form and  
20 27 filed with the recording clerk not later than 4:30  
20 28 p.m., or adjournment, whichever is later, in order to  
20 29 be listed in the following day's clip sheet.

20 30 An "impact amendment" is an amendment which



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21 1 reasonably could have an annual effect of at least one  
21 2 hundred thousand dollars or a combined total effect  
21 3 within five years after enactment of five hundred  
21 4 thousand dollars or more on the aggregate revenues,  
21 5 expenditures or fiscal liability of the state or its  
21 6 subdivisions.

21 7       An impact amendment to a bill which has been on  
21 8 the special order calendar for at least three full  
21 9 legislative days prior to its consideration shall not  
21 10 be taken up by the senate unless:

21 11       1) a fiscal note is attached, and the amendment is  
21 12 filed at least one legislative day prior to the date  
21 13 set for consideration of the bill; or

21 14       2) the amendment is an appropriation or other  
21 15 measure where the total effect is stated in dollar  
21 16 amounts.

21 17       Rule 27

21 18       Limit on Introduction of Bills

21 19       No bill or joint resolution, except bills and  
21 20 joint resolutions cosponsored by the majority and  
21 21 minority floor leaders, or companion bills and joint  
21 22 resolutions sponsored by the majority floor leaders of  
21 23 both houses, shall be introduced in the senate after  
21 24 4:30 p.m. on Friday of the ~~sixth~~ fifth week of the  
21 25 first regular session of a general assembly unless a  
21 26 formal request for drafting the bill has been filed  
21 27 with the legislative services agency before that time.  
21 28 After adjournment of the first regular session, bills  
21 29 may be prefiled at any time before the convening of the  
21 30 second regular session. No bill shall be introduced



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22 1 after 4:30 p.m. on Friday of the ~~first~~ second week of  
22 2 the second regular session of a general assembly unless  
22 3 a formal request for drafting the bill has been filed  
22 4 with the legislative services agency before that time.  
22 5 However, standing committees may introduce bills and  
22 6 joint resolutions at any time. A bill which relates  
22 7 to departmental rules sponsored by the administrative  
22 8 rules review committee and approved by a majority  
22 9 of the members of the committee in each house may  
22 10 be introduced at any time and must be referred to a  
22 11 standing committee which must take action on the bill  
22 12 within three weeks. Senate and concurrent resolutions  
22 13 may be introduced at any time.  
22 14 No bill, joint resolution, concurrent resolution  
22 15 or senate resolution shall be introduced at any  
22 16 extraordinary session unless sponsored by a standing  
22 17 committee, the majority and minority floor leaders, or  
22 18 the committee of the whole.  
22 19 Rule 28  
22 20 Introduction, Reading, and Form of Bills and  
22 21 Resolutions  
22 22 Every senate bill and resolution shall be introduced  
22 23 by one or more senators or by any standing committee  
22 24 of the senate and shall at once be given its first  
22 25 reading.  
22 26 If the senate is in session when a bill or  
22 27 resolution is introduced, the first reading shall  
22 28 consist of reading its file number, the title and  
22 29 sponsor of the bill. If the senate is not in session  
22 30 but a journal is published for the day, the first



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23 1 reading shall consist of a journal entry of the bill's  
23 2 file number, title, sponsor and the notation "Read  
23 3 first time under Rule 28."  
23 4 Any bill or resolution approved for introduction by  
23 5 a standing committee during an interim period between  
23 6 sessions of one General Assembly shall be introduced  
23 7 without further action by the committee at the next  
23 8 succeeding regular session of the same General Assembly  
23 9 and placed immediately upon the regular calendar.  
23 10 Every bill and resolution referred to committee  
23 11 shall have received two readings before its passage.  
23 12 The subject of every bill shall be expressed in its  
23 13 title.  
23 14 Rule 29  
23 15 Explanations  
23 16 No bill, except appropriation committee bills and  
23 17 simple or concurrent resolutions, shall be introduced  
23 18 unless a concise and accurate explanation is attached.  
23 19 The chief sponsor or a committee to which the bill has  
23 20 been referred may add a revised explanation at any time  
23 21 before the last reading, and it shall be included in  
23 22 the daily clip sheet.  
23 23 Rule 30  
23 24 Resolutions  
23 25 A "senate resolution" is a resolution acted upon  
23 26 only by the senate which relates to an accomplishment  
23 27 of national or international status; the dedication  
23 28 of a day by a statewide or national group; the  
23 29 one hundredth, one hundred twenty=fifth, or one  
23 30 hundred fiftieth anniversary of a local government



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24 1 or organization; the recognition of state ties  
24 2 to other governments; the retirement of a senator  
24 3 or long-time senate employee; or to rules and  
24 4 administrative matters, including the appointment  
24 5 of special committees, within the senate. A senate  
24 6 resolution requires the affirmative vote of a majority  
24 7 of the senators present and voting, unless otherwise  
24 8 required in these rules. A senate resolution shall  
24 9 be filed with the secretary of the senate. A senate  
24 10 resolution shall be printed in the bound journal after  
24 11 its adoption and in the daily journal upon written  
24 12 request to the secretary of the senate by the sponsor  
24 13 of the resolution. Other expressions of sentiment  
24 14 or recognition may be made with the issuance of a  
24 15 certificate of recognition.  
24 16     Rule 31  
24 17     Nullification Resolutions  
24 18     A nullification resolution may be introduced  
24 19 by a standing committee, the administrative rules  
24 20 review committee, or any member of the senate.  
24 21 A nullification resolution introduced by the  
24 22 administrative rules review committee or a member  
24 23 of the senate shall be referred to the same standing  
24 24 committee it would be referred to if it was a bill.  
24 25     Any nullification resolution may be referred to the  
24 26 administrative rules review committee by a majority  
24 27 vote of the standing committee which introduced it  
24 28 or to which it was referred. The administrative  
24 29 rules review committee may seek an agreement with the  
24 30 affected administrative agency wherein the agency



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25 1 agrees to voluntarily rescind or modify a rule or rules  
25 2 relating to the subject matter of the nullification  
25 3 resolution. An agreement to voluntarily rescind  
25 4 or modify an administrative agency rule shall be in  
25 5 writing and signed by the chief administrative officer  
25 6 of the administrative agency and a majority of the  
25 7 administrative rules review committee members of each  
25 8 house and shall be placed on file in the offices of  
25 9 the chief clerk of the house, the secretary of the  
25 10 senate and the secretary of state. If an agreement is  
25 11 not reached, or the nullification resolution is not  
25 12 approved by a majority of the administrative rules  
25 13 review committee members of each house, within two  
25 14 weeks of the date the resolution is referred to the  
25 15 administrative rules review committee, the resolution  
25 16 shall be placed on the calendar. If the nullification  
25 17 resolution is approved by the administrative rules  
25 18 review committee it shall be placed on the calendar.  
25 19 A nullification resolution is subject to a motion to  
25 20 withdraw the nullification resolution as provided in  
25 21 rule 42.  
25 22 A nullification resolution is debatable, but cannot  
25 23 be amended on the floor of the senate.  
25 24 Rule 32  
25 25 Resolutions, Applicable Rules  
25 26 All rules applicable to bills shall apply to  
25 27 resolutions, except as otherwise provided in the rules.  
25 28 Rule 33  
25 29 Study Bills  
25 30 1. A study bill is any matter which a senator



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26 1 wishes to have considered by a standing committee or  
26 2 appropriations subcommittee for introduction as a  
26 3 committee bill or resolution. The term "study bill"  
26 4 includes "proposed bills" provided for in Rule 37 and  
26 5 departmental requests prefiled in the manner specified  
26 6 in section 2.16 of the Code.

26 7 2. A study bill shall bear the name of the member  
26 8 who wishes to have the bill considered. A study bill  
26 9 proposed by a state agency shall bear the name of the  
26 10 agency. A committee chair may submit a study bill in  
26 11 the name of that committee.

26 12 3. Upon first receiving a study bill from a  
26 13 senator, a committee chairperson shall submit three  
26 14 copies to the secretary of the senate. Study bills  
26 15 received in the secretary of the senate's office before  
26 16 3:00 p.m. shall be filed, numbered, and reported in  
26 17 the journal for that day. Study bills received in the  
26 18 secretary of the senate's office after 3:00 p.m. shall  
26 19 be filed, numbered, and reported in the journal for the  
26 20 subsequent day. The secretary shall number such bills  
26 21 in consecutive order. The secretary shall maintain a  
26 22 record of all study bills and their assigned number.  
26 23 Committee records shall refer to study bills by the  
26 24 number assigned by the secretary.

26 25 4. The secretary shall file a report in the journal  
26 26 of each study bill received. The report shall show  
26 27 the study bill number, its title or subject matter and  
26 28 the committee which is considering it. If a study  
26 29 bill is referred to a subcommittee, then the committee  
26 30 chairperson shall report in the journal the names of



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27 1 the subcommittee members to which it is assigned.  
27 2 5. If a committee bill or resolution is introduced  
27 3 which was not previously the subject of a study bill  
27 4 in the sponsoring committee, the majority leader may  
27 5 re=refer the bill back to the committee.

27 6 6. A study bill not prepared by the legislative  
27 7 services agency may be submitted to a standing  
27 8 committee, but shall not be considered by the full  
27 9 committee unless reviewed and typed in proper form by  
27 10 the legislative services agency.

27 11 COMMITTEES AND COMMITMENT

27 12 Rule 34

27 13 Committee Appointments

27 14 Committee appointments shall be made by the majority  
27 15 leader for majority party members, after consultation  
27 16 with the president, and by the minority leader for  
27 17 minority party members, after consultation with the  
27 18 president. No senator shall serve on more than six  
27 19 standing committees. The majority leader, after  
27 20 consultation with the president, shall designate the  
27 21 chairperson and vice=chairperson of each standing  
27 22 committee. The minority leader, after consultation  
27 23 with the president, shall designate the ranking member  
27 24 of each standing committee from the minority membership  
27 25 of that committee.

27 26 Rule 35

27 27 Standing Committees

27 28 The names of the standing committees of the senate  
27 29 shall be:

27 30 Agriculture



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28 1 Appropriations  
28 2 Commerce  
28 3 Economic Growth/Rebuild Iowa  
28 4 Education  
28 5 ~~Environment/Energy Independence~~  
28 6 Government Oversight  
28 7 Human Resources  
28 8 Judiciary  
28 9 Labor and Business Relations  
28 10 Local Government  
28 11 Natural Resources and Environment  
28 12 ~~Rebuild Iowa~~  
28 13 Rules and Administration  
28 14 State Government  
28 15 Transportation  
28 16 Veterans Affairs  
28 17 Ways and Means  
28 18 Rule 36  
28 19 Committee on Rules and Administration  
28 20 The committee on rules and administration shall  
28 21 recommend rules and rule changes to the senate, shall  
28 22 hire senate employees, shall recommend salary scales  
28 23 for all senate employees, and shall oversee senate  
28 24 budget and administration matters.  
28 25 The committee on rules and administration will  
28 26 select, for senate approval, an individual to serve as  
28 27 secretary of the senate.  
28 28 ~~Upon authorization being given by the committee on~~  
~~28 29 rules and administration, the minority party members~~  
~~28 30 of the committee will select, for senate approval, an~~



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~~29 1 individual to serve as assistant parliamentarian.~~  
29 2 The committee shall have the following standing  
29 3 subcommittees:  
29 4 1. Joint Rules  
29 5 2. Senate Rules  
29 6 3. Administrative Services  
29 7 4. Caucus Services  
29 8 The majority leader shall serve as chair of the  
29 9 rules and administration committee and as chair of  
29 10 the standing subcommittee on caucus services. The  
29 11 president of the senate shall serve as vice=chair of  
29 12 the rules and administration committee, and as chair of  
29 13 the subcommittee on administrative services.  
29 14 Rule 37  
29 15 Appropriations Committee  
29 16 The appropriations committee shall receive bills  
29 17 committed to it and shall assign each to one of the  
29 18 appropriations subcommittees.  
29 19 The appropriations subcommittees shall be named:  
29 20 Administration and Regulation  
29 21 Agriculture and Natural Resources  
29 22 Economic Development  
29 23 Education  
29 24 Health and Human Services  
29 25 Justice System  
29 26 Transportation, Infrastructure, and Capitals  
29 27 The appropriations subcommittees shall receive  
29 28 bills assigned to them or may originate proposed bills  
29 29 within the subcommittee's jurisdiction as defined by  
29 30 the appropriations committee for consideration by the



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30 1 appropriations committee. Each subcommittee may submit  
30 2 amendments to bills together with the subcommittee's  
30 3 recommended action to the appropriations committee.  
30 4 If a bill or proposed bill is submitted to the  
30 5 appropriations committee by an appropriations  
30 6 subcommittee the appropriations committee may:  
30 7 1. report the bill or approve the proposed bill for  
30 8 introduction by the appropriations committee;  
30 9 2. report the bill with any appropriations  
30 10 committee=approved amendments incorporated;  
30 11 3. draft a new bill for sponsorship by the  
30 12 appropriations committee and report it; or  
30 13 4. re=refer it together with the appropriations  
30 14 committee's objections to the appropriations  
30 15 subcommittee from which it was originally referred or  
30 16 which originated the draft bill.  
30 17 The appropriations committee and subcommittees may  
30 18 meet jointly with the appropriations committee of the  
30 19 house of representatives.  
30 20 Rule 38  
30 21 First Reading and Commitment  
30 22 Upon the first reading of an individual bill or  
30 23 resolution, or a house committee bill or resolution,  
30 24 the president shall refer the bill or resolution to an  
30 25 appropriate standing committee ~~unless otherwise ordered~~  
~~30 26 by the senate.~~ If the bill or resolution is a senate  
30 27 committee bill or resolution, the president shall place  
30 28 it on the calendar after its first reading. If the  
30 29 subject of the bill or resolution is not germane to the  
30 30 title of the committee presenting it, the president



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31 1 of the senate may refer it to a committee deemed  
31 2 appropriate.  
31 3 All bills carrying an appropriation for any purpose  
31 4 or involving the expenditure of state funds shall be  
31 5 referred to the committee on appropriations.  
31 6 All bills pertaining to the levy, assessment or  
31 7 collection of taxes or fees shall be referred to the  
31 8 committee on ways and means.  
31 9 Any bill which provides for a new state board,  
31 10 commission, agency or department or makes separate or  
31 11 autonomous an existing state board, commission, agency  
31 12 or department, shall be referred to the committee  
31 13 on state government. If the bill or resolution is  
31 14 so referred after being sponsored or reported out  
31 15 by another committee, and if the committee on state  
31 16 government does not report out the bill or resolution  
31 17 within ten legislative days after referral, the bill  
31 18 or resolution shall automatically be restored to the  
31 19 calendar with the same priority it had immediately  
31 20 before referral.  
31 21 This rule shall also apply when such provisions are  
31 22 added to a bill or resolution by amendment adopted by  
31 23 the senate.  
31 24 Rule 39  
31 25 Rules for Standing Committees  
31 26 The following rules shall govern all standing  
31 27 committees of the senate. Any committee may adopt  
31 28 additional rules which are consistent with these rules:  
31 29 1. A majority of the members shall constitute a  
31 30 quorum.



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32 1 2. The chair of a committee shall refer each bill  
32 2 and resolution to a subcommittee within seven days  
32 3 after the bill or resolution has been referred to  
32 4 the committee. The chair may appoint subcommittees  
32 5 for study of bills and resolutions without calling a  
32 6 meeting of the committee, but the subcommittee must be  
32 7 announced at the next meeting of the committee. No  
32 8 bill or resolution shall be reported out of a committee  
32 9 until the next meeting after the subcommittee is  
32 10 announced, except that the chair of the appropriations  
32 11 committee may make the announcement of the assignment  
32 12 to a subcommittee by placing a notice in the journal.  
32 13 Any bill so assigned by the appropriations committee  
32 14 chair shall be eligible for consideration by the  
32 15 committee upon report of the subcommittee but not  
32 16 sooner than three legislative days following the  
32 17 publication of the announcement in the journal.  
32 18       When a bill or resolution has been assigned to a  
32 19 subcommittee, the chair shall report to the senate  
32 20 the bill or resolution number and the names of the  
32 21 subcommittee members and such reports shall be reported  
32 22 in the journal. Subcommittee assignments shall be  
32 23 reported to the journal daily. Reports filed before  
32 24 3:00 p.m. shall be printed in the journal for that  
32 25 day; reports filed after 3:00 p.m. shall be printed in  
32 26 the journal for the subsequent day.  
32 27       Where standing subcommittees of any committee have  
32 28 been named, the names of the members and the title of  
32 29 the subcommittee shall be published once and thereafter  
32 30 publication of assignments may be made by indicating



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33 1 the title of the subcommittee.  
33 2 3. No bill or resolution shall be considered by a  
33 3 committee until it has been referred to a subcommittee  
33 4 and the subcommittee has made its report unless  
33 5 otherwise ordered by a majority of the members.  
33 6 4. The rules adopted by a committee, including  
33 7 subsections 2, 3, 9, 10, 11, and 12 of this rule, may  
33 8 be suspended by an affirmative vote of a majority of  
33 9 the members of the committee.  
33 10 5. The affirmative vote of a majority of the  
33 11 members of a committee is needed to sponsor a committee  
33 12 bill or resolution or to report a bill or resolution  
33 13 out for passage.  
33 14 6. The vote on all bills and resolutions shall be  
33 15 by roll call unless a short-form vote is unanimously  
33 16 agreed to by the committee. A record shall be kept by  
33 17 the secretary.  
33 18 7. No committee, except a conference committee, is  
33 19 authorized to meet when the senate is in session.  
33 20 8. A subcommittee shall not report a bill to the  
33 21 committee unless the bill has been typed into proper  
33 22 form by the legislative services agency.  
33 23 9. A bill or resolution shall not be voted upon the  
33 24 same day a public hearing called under subsection 10 is  
33 25 held on that bill or resolution.  
33 26 10. Public hearings may be called at the discretion  
33 27 of the chair. The chair shall call a public hearing  
33 28 upon the written request of one-half the membership of  
33 29 the committee. The chair shall set the time and place  
33 30 of the public hearing.



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34 1 11. A subcommittee chair must notify the committee  
34 2 chair not later than one legislative day prior to  
34 3 bringing the bill or resolution before the committee.  
34 4 The committee cannot vote on a bill or resolution for  
34 5 at least one full day following the receipt of the  
34 6 subcommittee report by the chairperson.  
34 7 12. A motion proposing action on a bill or  
34 8 resolution that has been defeated by a committee shall  
34 9 not be voted upon again at the same meeting of the  
34 10 committee.  
34 11 13. Committee meetings shall be open.  
34 12 Rule 40  
34 13 Voting in Committee  
34 14 All committee meetings shall be open at all times.  
34 15 Voting by secret ballot is prohibited. Roll call votes  
34 16 shall be taken in each committee when final action on  
34 17 any bill or resolution is voted, unless a short-form  
34 18 vote is unanimously agreed to by the committee. A roll  
34 19 call vote also shall be taken in each committee at the  
34 20 request of a member upon any amendment or motion. All  
34 21 results shall be entered in the minutes which shall  
34 22 be public records. Records of these votes shall be  
34 23 made available by the chair or the committee secretary  
34 24 at any time. This rule also applies to the ~~steering~~  
~~34 25 committee and~~ appropriations subcommittees.  
34 26 The committee shall not authorize the introduction  
34 27 of a committee bill or resolution until the members  
34 28 have received final copies of the bill or resolution  
34 29 with amendments or changes incorporated, and typed into  
34 30 proper form by the legislative services agency. The



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35 1 committee may, by unanimous consent, dispense with  
35 2 this requirement and instruct the legislative services  
35 3 agency to file a report with the committee members  
35 4 detailing the amendments or changes and this report  
35 5 shall become a part of the committee report.

35 6       Rule 41

35 7       Announcement of Committee Meetings

35 8       It shall be in order for the chair of any committee  
35 9 to announce to the senate the time and place of  
35 10 committee meetings. The announcement shall include a  
35 11 proposed agenda for the meeting. The sergeant-at-arms  
35 12 shall post at the rear of the chamber the daily  
35 13 schedule of committee meetings.

35 14       Rule 42

35 15       Withdrawal of Bills and Resolutions from Committee

35 16       The secretary of the senate shall note on each  
35 17 bill and resolution the date of its reference to  
35 18 committee. No bill or resolution shall be withdrawn  
35 19 from any committee within fifteen legislative days  
35 20 after the bill or resolution has been referred to the  
35 21 committee and thereafter only upon written petition for  
35 22 the withdrawal of such bill or resolution signed by  
35 23 a constitutional majority of the senators, except as  
35 24 provided in Rule 38. Only senators may circulate such  
35 25 a petition.

35 26       Rule 43

35 27       Committee Reports

35 28       All committees shall file a report of committee  
35 29 meetings. Such reports shall contain the following  
35 30 information:



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- 36 1 a. The time the meeting convened;
- 36 2     b. Those senators who were present and absent at
- 36 3 the time the meeting convened, as well as the time any
- 36 4 senator, who was not present at the time the meeting
- 36 5 convened, arrives for the meeting;
- 36 6     c. The vote on any bill or resolution reported out
- 36 7 of the committee for floor action;
- 36 8     d. The title of the bill;
- 36 9     e. The file number of the bill or resolution (if
- 36 10 known);
- 36 11     f. Whether the committee recommends that the
- 36 12 bill or resolution be passed, amended and passed,
- 36 13 indefinitely postponed, or considered without committee
- 36 14 recommendation;
- 36 15     g. An indication of other bills or matters
- 36 16 discussed;
- 36 17     h. Such other matters as the committee chair shall
- 36 18 direct; and
- 36 19     i. The time the meeting adjourned.
- 36 20     No committee report shall be read, but all committee
- 36 21 reports shall be printed in the journal. Upon
- 36 22 printing, all committee reports shall then stand
- 36 23 approved unless the senate directs otherwise.
- 36 24     Rule 44
- 36 25     Bills or Resolutions Recommended for Indefinite
- 36 26 Postponement
- 36 27     No senate bill or resolution recommended for
- 36 28 indefinite postponement shall be considered in the
- 36 29 absence of the chief sponsor or, if a house bill or
- 36 30 resolution, in the absence of the senator representing



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37 1 the district in which the sponsor resides. When a  
37 2 question is postponed indefinitely, it shall not be  
37 3 again acted upon during that session of the general  
37 4 assembly.  
37 5       GENERAL RULES  
37 6       Rule 45  
37 7       Access to Senate Chamber and Decorum  
37 8       The persons who shall have access to the senate  
37 9 chamber, and the times access shall be available, and  
37 10 the rules governing activities in the chamber and other  
37 11 areas controlled by the senate shall be as prescribed  
37 12 by the rules and administration committee pursuant to a  
37 13 written policy adopted by the committee and filed with  
37 14 the secretary of the senate.  
37 15       Rule 46  
37 16       Legislative Interns and Aides  
37 17       Legislative interns for senators shall be allowed  
37 18 on the floor of the senate in accordance with Rule 45;  
37 19 provided that each intern first has obtained a name  
37 20 badge from the secretary of the senate. The secretary  
37 21 of the senate shall issue an appropriate badge to all  
37 22 interns for senators.  
37 23       Rule 47  
37 24       Clearing of Lobby and Gallery  
37 25       In case of disturbance or disorderly conduct in the  
37 26 lobby or gallery, the presiding officer may order it  
37 27 cleared.  
37 28       Rule 48  
37 29       Presentation of Petitions  
37 30       Each petition shall contain a brief statement of its



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38 1 subject matter and the name of the senator presenting  
38 2 it. Petitions shall be filed with the secretary of the  
38 3 senate and noted in the journal.  
38 4     Rule 49  
38 5     Distribution of Printed Material  
38 6     No general distribution of printed material in  
38 7 the senate shall be allowed unless authorized by the  
38 8 secretary of the senate or by a senator.  
38 9     Rule 50  
38 10     Concerning the Printing of Papers  
38 11     Any paper, other than that contemplated by Section  
38 12 10, Article III of the Constitution of the State of  
38 13 Iowa, presented to the senate may, with the consent of  
38 14 a constitutional majority, be printed in the journal.  
38 15     Rule 51  
38 16     Reprinting of Documents  
38 17     When any bill has been substantially amended by the  
38 18 senate, the secretary of the senate shall order the  
38 19 bill reprinted on paper of a different color. All  
38 20 adopted amendments inserting new material shall be  
38 21 distinguishable.  
38 22     The secretary of the senate may order the printing  
38 23 of a reasonable number of additional copies of bills,  
38 24 resolutions, amendments or journals.  
38 25     OFFICERS AND EMPLOYEES  
38 26     Rule 52  
38 27     Duties of the President  
38 28     The senate shall elect, from its membership, a  
38 29 president. The president shall call the senate to  
38 30 order at the hour to which the senate is adjourned-



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~~39 1 Unless otherwise ordered by the senate, the president~~  
~~39 2 and shall proceed with the regular order of daily~~  
39 3 business. The president shall preserve order  
39 4 and decorum and decide all questions of order and  
39 5 corrections to the journal, ~~subject to an appeal to the~~  
~~39 6 senate.~~ The president shall direct voting as provided  
39 7 in rule 22. When a ruling on germaneness is issued by  
39 8 the presiding officer, it shall be accompanied by an  
39 9 explanation of the ruling. The president of the senate  
39 10 shall be the chair of the committee of the whole unless  
39 11 otherwise ordered by the senate, under rule 19.  
39 12 Upon the first reading of an individual bill or  
39 13 resolution, or a house committee bill or resolution,  
39 14 the president shall refer the bill or resolution to the  
39 15 appropriate standing committee ~~unless otherwise ordered~~  
~~39 16 by the senate.~~ If the bill or resolution is a senate  
39 17 committee bill or resolution, the president shall place  
39 18 it on the calendar after its first reading. If the  
39 19 subject of the bill or resolution is not germane to the  
39 20 title of the committee presenting it, the president of  
39 21 the senate may refer it to the appropriate committee.  
39 22 The president shall sign legislative enactments upon  
39 23 their enrolling.  
39 24 The president of the senate shall serve as a member  
39 25 of the legislative council and the senate rules and  
39 26 administration committee. The president shall serve  
39 27 on the rules and administration committee as chair of  
39 28 the standing subcommittee designated to supervise the  
39 29 secretary of the senate and other employees of the  
39 30 administrative services division of the senate.



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40 1 Rule 53

40 2 The President Pro Tempore

40 3 The senate shall elect, from its membership, a  
40 4 president pro tempore. When the president is absent,  
40 5 the president pro tempore shall preside, except when  
40 6 the chair is filled by temporary appointment by the  
40 7 president or the majority leader.

40 8 The president pro tempore, when presiding, shall  
40 9 perform duties as prescribed in rule 52, paragraphs 1  
40 10 and 2.

40 11 The president pro tempore shall serve as a member of  
40 12 the legislative council and as a member of the senate  
40 13 committee on rules and administration.

40 14 Rule 54

40 15 Secretary of the Senate

40 16 The secretary of the senate shall be ~~an~~ a  
40 17 nonpartisan officer of the senate and shall:

40 18 1. Serve as chief administrative officer of the  
40 19 senate.

40 20 2. Have charge of the secretary's desk.

40 21 3. Be responsible for the custody and safekeeping  
40 22 of all bills, resolutions, and amendments filed, except  
40 23 while they are in the custody of a committee.

40 24 4. Have charge of the daily journal.

40 25 5. Have control of all rooms assigned for the use  
40 26 of the senate.

40 27 6. Keep a detailed record of senate action on all  
40 28 bills and resolutions.

40 29 7. Insert adopted amendments into bills before  
40 30 transmittal to the house of representatives and prior



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41 1 to final enrollment.

41 2 8. Prescribe the duties of and supervise all senate  
41 3 employees.

41 4 9. Authorize all expenditures of funds within the  
41 5 senate budget.

41 6 The secretary of the senate shall also act as senate  
41 7 parliamentarian and shall:

41 8 1. Advise the presiding officer of the senate about  
41 9 parliamentary procedures during deliberations of the  
41 10 senate.

41 11 2. Perform other duties as prescribed by the  
41 12 committee on rules and administration.

41 13 3. Process the handling of amendments when filed  
41 14 and during the floor consideration of bills.

41 15 Rule 55

41 16 Legal Counsel

41 17 The legal counsel shall be the secretary of the  
41 18 senate or a contractual employee of the senate and

41 19 shall:

41 20 1. Serve as attorney and counselor for the senate.

41 21 2. At the request of the majority or minority  
41 22 leaders, research any legal issue in which the senate  
41 23 has an interest. However, the legal counsel shall not  
41 24 issue nor venture any opinions on unresolved questions  
41 25 of law unless permitted by both the majority and  
41 26 minority leaders.

41 27 Rule 56

41 28 Sergeant=at=Arms

41 29 The sergeant=at=arms shall be an employee of the  
41 30 senate and shall:



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- 42 1 1. Wear the appropriate badge of his or her office.  
42 2 2. Attend the senate during its sessions.  
42 3 3. Aid in the enforcement of order under the  
42 4 direction of the president of the senate and the  
42 5 secretary of the senate.  
42 6 4. Execute the commands of the senate.  
42 7 5. See that no unauthorized person disturbs the  
42 8 contents of the senators' desks.  
42 9 6. Supervise the doorkeepers, the assistant  
42 10 sergeant-at-arms, and pages.  
42 11 7. Announce all delegations from the governor or  
42 12 house.  
42 13 8. Supervise the seating of visitors and press  
42 14 representatives.
- 42 15 Rule 57  
42 16 Senate Secretaries  
42 17 Every senator shall be permitted to employ for each  
42 18 session of a general assembly a personally selected  
42 19 secretary.
- 42 20 Rule 58  
42 21 Use of Electronic Voting System  
42 22 Any officer or employee of the senate, other than  
42 23 a duly elected member of the senate, who operates the  
42 24 electronic voting machine mechanism located at the  
42 25 desk of said member of the senate shall be subject to  
42 26 immediate termination from employment. The provisions  
42 27 of this paragraph only shall apply during the taking  
42 28 of a record or non-record roll call vote utilizing the  
42 29 electronic voting system.
- 42 30 CONFIRMATION OF APPOINTMENTS



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43 1 Rule 59

43 2     Appointments

43 3     The secretary of the senate shall:

43 4     a. send, to each appointee submitted by the  
43 5 governor for senate confirmation, a copy of a  
43 6 senate questionnaire as approved by the rules and  
43 7 administration committee;

43 8     b. receive completed questionnaires from appointees  
43 9 and forward copies of the completed questionnaires to  
43 10 appropriate committee members;

43 11     c. maintain "Confirmation Calendar" categories  
43 12 on the senate calendar as directed under this rule,  
43 13 senate rule 6, and by the committee on rules and  
43 14 administration. No appointee shall be listed as  
43 15 eligible on the confirmation calendar until the  
43 16 secretary has received the appointee's completed senate  
43 17 questionnaire.

43 18     As soon as possible after the convening of a  
43 19 session, and again within one week following March ~~15~~  
~~43 20~~ 1, the secretary of the senate shall publish in the  
43 21 senate journal the names of all nominees submitted  
43 22 for confirmation. The secretary of the senate shall  
43 23 maintain a file of all appointments received from the  
43 24 governor for confirmation. The file shall contain  
43 25 a description of the duties and the compensation  
43 26 for each nominee. The file shall show the date an  
43 27 appointment was received from the governor, the date  
43 28 the appointment was published in the journal, whether  
43 29 the nominee has been introduced, whether a committee  
43 30 report has been filed, when the senate questionnaire



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44 1 was sent to the appointee, and shall include a copy of  
44 2 the appointee's completed senate questionnaire, upon  
44 3 receipt.

44 4 INVESTIGATING COMMITTEES. All appointments received  
44 5 from the governor shall be referred to the rules  
44 6 and administration committee by the secretary of  
44 7 the senate on the same day they are published in  
44 8 the senate journal. The rules and administration  
44 9 committee shall establish an en bloc confirmation  
44 10 calendar which must be filed with the secretary of  
44 11 the senate. Within three (3) legislative days after  
44 12 receiving an appointment, the committee shall either  
44 13 place a nominee on the en bloc confirmation calendar  
44 14 or assign the nominee to an appropriate standing  
44 15 committee for further investigation, publishing notice  
44 16 of such assignment in the senate journal for the next  
44 17 legislative day. If the rules and administration  
44 18 committee fails to take action on a nominee within the  
44 19 three days, the nominee shall automatically be placed  
44 20 on the en bloc confirmation calendar.

44 21 Within the three (3) legislative days after  
44 22 an appointment has been referred to the rules and  
44 23 administration committee, any ten senators may  
44 24 require that the nominee be assigned to an appropriate  
44 25 standing committee by filing a written, signed  
44 26 request therefor with the chairperson of the rules and  
44 27 administration committee. The committee chair shall  
44 28 refer the appointment to a subcommittee within one (1)  
44 29 legislative day after a standing committee receives  
44 30 an appointment for further investigation, publishing



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45 1 notice of such assignment in the senate journal for the  
45 2 next legislative day. Within ten (10) legislative days  
45 3 after a standing committee receives an appointment for  
45 4 further investigation the subcommittee shall file its  
45 5 report with the standing committee.

45 6       Within fourteen (14) legislative days after a  
45 7 standing committee receives an appointment for  
45 8 further investigation, the committee shall conduct  
45 9 an investigation of the nominee and file its report  
45 10 thereon with the secretary of the senate, who shall  
45 11 then place the nominee on the en bloc calendar or  
45 12 individual confirmation calendar as directed by  
45 13 the committee. The failure of a committee to file  
45 14 its report within the prescribed time means that  
45 15 the nominee is to be automatically placed, without  
45 16 recommendation, upon the individual confirmation  
45 17 calendar.

45 18       Any individual nominated to head a department  
45 19 or agency of state government, whose appointment is  
45 20 subject to senate confirmation, must be introduced  
45 21 to the full senate prior to a vote on confirmation  
45 22 of the nominee. Additionally, any five (5) senators  
45 23 may request that any nominee be introduced to the  
45 24 senate by filing a written request with the secretary  
45 25 of the senate within ten (10) legislative days of  
45 26 the nominee's name appearing in the journal. Any  
45 27 individual nominated to a position requiring senate  
45 28 confirmation may request to be introduced to the  
45 29 full senate by notifying the secretary of the senate  
45 30 at least one (1) legislative day in advance of the



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46 1 nominee's appearance. If an individual is nominated  
46 2 both to fill a vacancy for an unexpired term and is  
46 3 also nominated for reappointment to that position  
46 4 during the same session, a single introduction is  
46 5 sufficient for eligibility for confirmation to both  
46 6 terms.

46 7 HEARINGS. Any member of a committee investigating  
46 8 an appointment may, within five (5) legislative days  
46 9 after the committee receives the appointment, obtain a  
46 10 hearing with the nominee by filing a written request  
46 11 with the secretary of the senate who shall forward it  
46 12 to the chair of the standing committee and the chair  
46 13 of the subcommittee. Notice of the hearing shall be  
46 14 published in the journal at least two (2) legislative  
46 15 days prior to the hearing. At the hearing, which  
46 16 shall be before the subcommittee, the nominee may be  
46 17 questioned as to his or her qualifications to fulfill  
46 18 the office to which nominated and further questioned as  
46 19 to his or her viewpoints on issues facing the office to  
46 20 which nominated. Any senator may at the discretion of  
46 21 the chair of the subcommittee be permitted to submit  
46 22 oral questions. The public may, at the discretion of  
46 23 the investigating committee, be permitted to submit  
46 24 oral or written statements as to the qualifications of  
46 25 the nominee.

46 26 Also, within five (5) legislative days after the  
46 27 subcommittee receives an appointment for investigation,  
46 28 any senator may submit written questions to be answered  
46 29 by the nominee prior to consideration of the nominee's  
46 30 confirmation by the senate.



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47 1 INFORMATIONAL MEETINGS. After a nominee has been  
47 2 placed on the calendar and prior to the vote on  
47 3 confirmation, any senator may request an informational  
47 4 meeting on the nomination which shall be held before  
47 5 the subcommittee.

47 6 VOTING ON CONFIRMATIONS. Upon the motion of the  
47 7 majority leader or his or her designee, the nominees on  
47 8 the en bloc confirmation calendar shall be confirmed  
47 9 en bloc by the affirmative vote of two-thirds of the  
47 10 members elected to the senate. The journal shall  
47 11 reflect a single roll call accompanied by a statement  
47 12 of the names of those individuals subject to the en  
47 13 bloc confirmation vote.

47 14 Prior to an en bloc vote, any senator may request,  
47 15 either in writing or from the floor, an individual vote  
47 16 on any nominee on the en bloc confirmation calendar.  
47 17 The senate shall vote separately on the nominee.

47 18 Nominees on the individual confirmation calendar  
47 19 shall be confirmed by a two-thirds vote; however, the  
47 20 senate shall take a separate roll call on each nominee,  
47 21 unless by unanimous consent, it determines to take one  
47 22 vote on all nominees under consideration. In any case,  
47 23 the journal shall reflect a single roll call vote for  
47 24 each nominee.

47 25 If an individual is nominated both to fill a vacancy  
47 26 for an unexpired term and is also nominated for  
47 27 reappointment to that position, and such appointment  
47 28 and reappointment appear on the senate calendar as  
47 29 eligible at the same time, a single vote is sufficient  
47 30 for confirmation to both terms.



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48 1 Rule 60  
48 2 Time of Committee Passage and Consideration of Bills  
48 3 1. This rule does not apply to concurrent or  
48 4 simple resolutions, joint resolutions nullifying  
48 5 administrative rules, senate confirmations, bills  
48 6 embodying redistricting plans prepared by the  
48 7 legislative services agency pursuant to chapter  
48 8 42, or bills passed by both houses in different  
48 9 forms. Subsection 2 of this rule does not apply to  
48 10 appropriations bills, ways and means bills, legalizing  
48 11 acts, administrative rules review committee bills,  
48 12 bills sponsored by standing committees in response to  
48 13 a referral from the president of the senate or the  
48 14 speaker of the house of representatives relating to  
48 15 an administrative rule whose effective date has been  
48 16 delayed until the adjournment of the next regular  
48 17 session of the general assembly by the administrative  
48 18 rules review committee, bills cosponsored by the  
48 19 majority and minority floor leaders of the senate,  
48 20 bills in conference committee, and companion bills  
48 21 sponsored by the majority floor leaders of both houses  
48 22 after consultation with the respective minority floor  
48 23 leaders. For the purposes of this rule, a joint  
48 24 resolution is considered as a bill. To be considered  
48 25 an appropriations or ways and means bill for the  
48 26 purposes of this rule, the appropriations committee or  
48 27 the ways and means committee must either be the sponsor  
48 28 of the bill or the committee of first referral in the  
48 29 senate.  
48 30 2. To be placed on the calendar in the senate a



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49 1 senate bill must be first reported out of a standing  
49 2 committee by Friday of the ~~9<sup>th</sup>~~ 8<sup>th</sup> week of the first  
49 3 session and the ~~5<sup>th</sup>~~ 8<sup>th</sup> week of the second session. A  
49 4 house bill must be first reported out of a standing  
49 5 committee by Friday of the ~~13<sup>th</sup>~~ 12<sup>th</sup> week of the first  
49 6 session and the ~~8<sup>th</sup>~~ 11<sup>th</sup> week of the second session to  
49 7 be placed on the senate calendar.  
49 8 3. During the ~~11<sup>th</sup>~~ 10<sup>th</sup> week of the first session  
49 9 and the 9<sup>th</sup> week of the second session, the senate  
49 10 shall consider only bills originating in the senate and  
49 11 unfinished business. During the ~~14<sup>th</sup>~~ 13<sup>th</sup> week of the  
49 12 first session and the 12<sup>th</sup> week of the second session,  
49 13 the senate shall consider only bills originating in  
49 14 the house and unfinished business. Beginning with the  
49 15 ~~15<sup>th</sup>~~ 14<sup>th</sup> week of the first session and the ~~10<sup>th</sup>~~ 13<sup>th</sup>  
49 16 week of the second session, the senate shall consider  
49 17 only bills passed by both houses, bills exempt from  
49 18 subsection 2 and unfinished business.  
49 19 4. A motion to reconsider filed and not disposed  
49 20 of on an action taken on a bill or resolution which is  
49 21 subject to a deadline under this rule may be called up  
49 22 at any time before or after the day of the deadline by  
49 23 the person filing the motion or after the deadline by  
49 24 the majority floor leader, notwithstanding any other  
49 25 rule to the contrary.  
49 26 BE IT FURTHER RESOLVED, That should a system  
49 27 of deadlines for the time of committee passage and  
49 28 consideration of bills be adopted by joint action  
49 29 of the senate and house at any time during the  
49 30 ~~eighty-third~~ eighty-fourth general assembly, those



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50 1 provisions shall supersede the provisions of rule 60.  
LSB 1673SQ (26) 84



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**Senate Study Bill 1036**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RIELLY)

**A BILL FOR**

1 An Act allowing the department of transportation to accept  
2 reports from advanced registered nurse practitioners  
3 disclosing a physical or mental condition that renders a  
4 person incompetent to operate a motor vehicle.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1835SC (2) 84  
dea/nh



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Senate Study Bill 1036 continued

PAG LIN

1 1 Section 1. Section 321.186, subsection 4, Code 2011, is  
1 2 amended to read as follows:  
1 3 4. A physician licensed under chapter 148, an advanced  
1 4 registered nurse practitioner licensed under chapter 152  
1 5 and registered with the board of nursing, or an optometrist  
1 6 licensed under chapter 154 may report to the department  
1 7 the identity of a person who has been diagnosed as having a  
1 8 physical or mental condition which would render the person  
1 9 physically or mentally incompetent to operate a motor vehicle  
1 10 in a safe manner. The physician, advanced registered nurse  
1 11 practitioner, or optometrist shall make reasonable efforts  
1 12 to notify the person who is the subject of the report, in  
1 13 writing. The written notification shall state the nature of  
1 14 the disclosure and the reason for the disclosure. A physician,  
1 15 advanced registered nurse practitioner, or optometrist making a  
1 16 report under this section shall be immune from any liability,  
1 17 civil or criminal, which might otherwise be incurred or imposed  
1 18 as a result of the report. A physician, advanced registered  
1 19 nurse practitioner, or optometrist has no duty to make a  
1 20 report or to warn third parties with regard to any knowledge  
1 21 concerning a person's mental or physical competency to operate  
1 22 a motor vehicle in a safe manner. Any report received by  
1 23 the department from a physician, advanced registered nurse  
1 24 practitioner, or optometrist under this section shall be kept  
1 25 confidential. Information regulated by chapter 141A shall be  
1 26 subject to the confidentiality provisions and remedies of that  
1 27 chapter.

1 28 EXPLANATION

1 29 Under current law, the department of transportation has the  
1 30 authority to determine if an applicant for a driver's license  
1 31 or a person who holds a valid driver's license is physically  
1 32 or mentally incompetent to drive. The department may order an  
1 33 examination or may act on the confidential report of a licensed  
1 34 physician or optometrist disclosing the identity of a person  
1 35 who has been diagnosed with a physical or mental condition



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2 1 which would render the person incompetent to operate a motor  
2 2 vehicle in a safe manner. A physician or optometrist who makes  
2 3 such a report is required to attempt to notify the person who  
2 4 is the subject of the report in writing, stating the nature  
2 5 of the disclosure and the reason for the disclosure. The  
2 6 reporting physician or optometrist is immune from civil or  
2 7 criminal liability that might otherwise be incurred or imposed  
2 8 as a result of the report.

2 9 This bill allows a licensed advanced registered nurse  
2 10 practitioner who is registered with the board of nursing to  
2 11 make the same kind of report to the department regarding a  
2 12 diagnosis affecting a person's ability to operate a motor  
2 13 vehicle. An advanced registered nurse practitioner who makes  
2 14 a report to the department has the same responsibilities and  
2 15 protections that currently apply to a physician or optometrist  
2 16 in connection with a report.

LSB 1835SC (2) 84

dea/nh



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**Senate Study Bill 1037**

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

**A BILL FOR**

1 An Act relating to asbestos regulations administered by the  
2 division of labor services of the department of workforce  
3 development.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1321DP (3) 84  
je/rj



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Senate Study Bill 1037 continued

PAG LIN

1 1 Section 1. Section 88B.1, subsection 5, Code 2011, is  
1 2 amended to read as follows:  
1 3 5. "License" means an authorization issued by the division  
1 4 permitting an individual person, including a supervisor  
1 5 or contractor, to work on an asbestos project, to inspect  
1 6 buildings for asbestos=containing building materials, to  
1 7 conduct air sampling, to develop management plans, and to act  
1 8 as an asbestos project designer.  
1 9 Sec. 2. Section 88B.3A, Code 2011, is amended by striking  
1 10 the section and inserting in lieu thereof the following:  
1 11 88B.3A Permit required ==== application, qualifications, surety  
1 12 bond, and exceptions.  
1 13 A business entity engaging in the removal or encapsulation  
1 14 of asbestos shall hold a permit for that purpose unless the  
1 15 business entity is removing or encapsulating asbestos only at  
1 16 its own facilities. To qualify for a permit, a business entity  
1 17 must submit to the division all of the following:  
1 18 1. An application in the form required by the division.  
1 19 2. The prescribed fee.  
1 20 3. A surety bond in the amount of twenty=five thousand  
1 21 dollars as set forth in section 88B.14.  
1 22 Sec. 3. Section 88B.6, subsection 2, Code 2011, is amended  
1 23 to read as follows:  
1 24 2. Qualifications.  
1 25 a. An individual is not eligible to be or do any of  
1 26 the following unless the person obtains a license from the  
1 27 division:  
1 28 (1) A contractor or supervisor, or to work on an asbestos  
1 29 project.  
1 30 (2) An inspector for asbestos=containing building material  
1 31 in a school or a public or commercial building.  
1 32 (3) An asbestos management planner for a school building.  
1 33 (4) An asbestos project designer for a school or a public  
1 34 or commercial building.  
1 35 (5) An air sampler for an asbestos project.



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2 1 b. To qualify for a license pursuant to paragraph "a",  
2 2 subparagraphs (1) through (4), the applicant must have  
2 3 successfully completed training as established by the United  
2 4 States environmental protection agency, paid a fee, and met  
2 5 other requirements as specified by the division by rule.

2 6 c. To qualify for a license pursuant to paragraph "a",  
2 7 subparagraph (5), the applicant must satisfy at least one of  
2 8 the following:

2 9 (1) Successful completion of relevant course work with the  
2 10 national institute of occupational safety and health.

2 11 (2) Certification as an industrial hygienist.

2 12 (3) Successful completion of a bachelor's degree in the life  
2 13 environmental or physical sciences or in engineering, and at  
2 14 least five hundred twenty hours of experience in air sampling.

2 15 ~~e.~~ d. To qualify for a license as an asbestos abatement  
2 16 worker, air sampler, supervisor, or contractor, the applicant  
2 17 must have been examined by a physician within the preceding  
2 18 year and declared by the physician to be physically capable of  
2 19 working while wearing a respirator.

2 20 Sec. 4. NEW SECTION. 88B.14 Surety bond required.

2 21 1. A surety bond required by section 88B.3A shall be  
2 22 executed by a surety company authorized to do business in this  
2 23 state.

2 24 2. Release of the bond shall be conditioned upon the payment  
2 25 of all taxes, including contributions under the unemployment  
2 26 compensation insurance system, penalties, interest, and related  
2 27 fees that may accrue to the state of Iowa. Upon request for  
2 28 release of a bond, the commissioner shall notify air quality  
2 29 officials within the department of natural resources, the  
2 30 department of revenue, and unemployment insurance officials  
2 31 within the department of workforce development. If the  
2 32 permittee is not indebted to the commissioner, and no other  
2 33 agency has notified the commissioner of a debt within thirty  
2 34 days of notice, the commissioner may release the bond.

2 35 3. The commissioner shall adopt rules governing forfeiture



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3 1 of the bond including notice to the surety and the permittee  
3 2 and an opportunity for a hearing in accordance with chapter  
3 3 17A.

3 4 4. The surety shall provide to the permittee and to the  
3 5 commissioner written notice of intent to cancel the bond at  
3 6 least thirty days in advance of cancellation. The surety  
3 7 company shall not be liable under the bond for acts occurring  
3 8 after cancellation of the bond, but shall remain liable for  
3 9 acts occurring prior to cancellation.

3 10 EXPLANATION

3 11 This bill requires the execution of a \$25,000 surety bond by  
3 12 business entities engaging in the removal or encapsulation of  
3 13 asbestos. The bill provides for procedures for processing the  
3 14 surety bonds.

3 15 The bill also provides for the licensing of air samplers  
3 16 for asbestos projects. The bill sets out qualification  
3 17 requirements for obtaining a license to conduct air sampling  
3 18 for asbestos projects.

LSB 1321DP (3) 84

je/rj



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**Senate Study Bill 1038**

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

**A BILL FOR**

1 An Act relating to employment services laws administered by the  
2 division of labor services of the department of workforce  
3 development.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1340DP (1) 84  
je/rj



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Senate Study Bill 1038 continued

PAG LIN

1 1 Section 1. Section 88A.4, subsection 1, Code 2011, is  
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. c. Late submission processing fee for permit  
1 4 applications submitted after the first of May deadline, one  
1 5 hundred dollars.

1 6 Sec. 2. Section 89.3, subsection 8, Code 2011, is amended  
1 7 to read as follows:

1 8 ~~8. Internal inspections~~ Inspections of unfired steam  
1 9 pressure vessels operating in excess of fifteen pounds per  
1 10 square inch and low pressure steam boilers shall be conducted  
1 11 ~~once every two years. External inspections shall be conducted~~  
~~1 12 annually.~~ at least once each calendar year. The inspections  
1 13 in each two-year period shall include an external inspection  
1 14 conducted while the boiler is operating and an internal  
1 15 inspection. At least six months shall pass between these  
1 16 inspections. An internal inspection of an unfired steam  
1 17 pressure vessel may be required at any time by the commissioner  
1 18 upon the observation by an inspector of conditions, enumerated  
1 19 by the commissioner through rules, warranting an internal  
1 20 inspection.

1 21 Sec. 3. Section 89A.13, subsection 2, Code 2011, is amended  
1 22 to read as follows:

1 23 2. The safety board is composed of nine members, one  
1 24 of whom shall be the commissioner or the commissioner's  
1 25 designee. The governor shall appoint the remaining eight  
1 26 members of the board, subject to senate confirmation, to  
1 27 staggered four-year terms which shall begin and end as provided  
1 28 in section 69.19. The members shall be as follows: two  
1 29 representatives from an elevator manufacturing company or  
1 30 its authorized representative; two representatives from  
1 31 elevator servicing companies; one building owner or manager;  
1 32 ~~one representative employed by a local government in this~~  
~~1 33 state who is knowledgeable about building codes in this state;~~  
~~1 34~~ citizen of this state who is knowledgeable about conveyances;  
1 35 one representative of workers actively involved in the



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2 1 installation, maintenance, and repair of elevators; and one  
2 2 licensed mechanical engineer.  
2 3 Sec. 4. Section 90A.2, subsection 2, Code 2011, is amended  
2 4 to read as follows:  
2 5 2. The license application shall be in the form prescribed  
2 6 by the commissioner and shall contain information that is  
2 7 substantially complete and accurate. Any change in the  
2 8 information provided in the application shall be reported  
2 9 promptly to the commissioner. The application shall be  
2 10 submitted no later than ~~seven~~ thirty days prior to the intended  
2 11 date of the match.

2 12 EXPLANATION

2 13 This bill provides for an additional \$100 fee for an  
2 14 amusement ride operator who submits a late permit application.

2 15 The bill provides for required inspections of certain  
2 16 boilers to occur at least once a year, but not more than once  
2 17 every six months. The bill provides that such inspections  
2 18 shall include one internal inspection and one external  
2 19 inspection in each two-year period.

2 20 The bill replaces the requirement that the membership of  
2 21 the elevator safety board include a representative employed by  
2 22 a local government who is knowledgeable about state building  
2 23 codes with a requirement that it include a citizen of Iowa who  
2 24 is knowledgeable about conveyances.

2 25 The bill provides that an application for an event license  
2 26 for a professional boxing or wrestling or mixed martial arts  
2 27 match must be made no later than 30 days before the match is to  
2 28 occur. Current law requires an application to be made no later  
2 29 than seven days before an event.

LSB 1340DP (1) 84

je/rj



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**Senate Study Bill 1039**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON RAGAN)

**A BILL FOR**

1 An Act allowing an advanced registered nurse practitioner to  
2 sign a death certificate.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1883XC (5) 84  
jr/nh



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Senate Study Bill 1039 continued

PAG LIN

1 1 Section 1. Section 142C.8, subsection 10, Code 2011, is  
1 2 amended to read as follows:  
1 3 10. The physician or advanced registered nurse practitioner  
1 4 who attends the decedent at death and the physician or advanced  
1 5 registered nurse practitioner who determines the time of  
1 6 death shall not participate in the procedures for removing or  
1 7 transplanting a part from the decedent.

1 8 Sec. 2. Section 144.26, subsection 1, Code 2011, is amended  
1 9 to read as follows:

1 10 1. A death certificate for each death which occurs in this  
1 11 state shall be filed as directed by the state registrar within  
1 12 three days after the death and prior to final disposition,  
1 13 and shall be registered by the county registrar if it has  
1 14 been completed and filed in accordance with this chapter. A  
1 15 death certificate shall include the social security number, if  
1 16 provided, of the deceased person. All information including  
1 17 the certifying physician's or advanced registered nurse  
1 18 practitioner's name shall be typewritten.

1 19 Sec. 3. Section 144.28, subsection 1, paragraphs b and e,  
1 20 Code 2011, are amended to read as follows:

1 21 b. Unless there is a nonnatural cause of death, the medical  
1 22 certification shall be completed and signed by the physician  
1 23 or advanced registered nurse practitioner in charge of the  
1 24 patient's care for the illness or condition which resulted  
1 25 in death within seventy-two hours after receipt of the death  
1 26 certificate from the funeral director or individual who  
1 27 initially assumes custody of the body.

1 28 e. If upon inquiry into a death, the county or state medical  
1 29 examiner determines that a preexisting natural disease or  
1 30 condition was the likely cause of death and that the death does  
1 31 not affect the public interest as described in section 331.802,  
1 32 subsection 3, the medical examiner may elect to defer to the  
1 33 physician or advanced registered nurse practitioner in charge  
1 34 of the patient's preexisting condition the certification of the  
1 35 cause of death.





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**Senate Study Bill 1040**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

**A BILL FOR**

1 An Act relating to instruments used to update the county  
2 transfer books and index maintained by the county auditor.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1051SC (3) 84  
md/sc



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PAG LIN

1 1 Section 1. Section 558.66, Code 2011, is amended by striking  
1 2 the section and inserting in lieu thereof the following:  
1 3 558.66 Updating county administrative records.  
1 4 1. Upon the receipt of an instrument that satisfies the  
1 5 requirements of this section and the payment of the applicable  
1 6 fees authorized in section 331.507, subsection 2, the auditor  
1 7 shall enter the updated or corrected real estate ownership  
1 8 information in the transfer books and index required by section  
1 9 558.60.  
1 10 2. In the case of an instrument filed with the recorder that  
1 11 satisfies the requirements of this section, the recorder shall  
1 12 collect the applicable fees authorized under section 331.507,  
1 13 subsection 2, and section 331.604 and pay such fees to the  
1 14 treasurer as provided in section 331.902, subsection 3.  
1 15 3. Each of the following instruments shall be accepted by  
1 16 the auditor for the purpose of updating the county transfer  
1 17 books and index if a conveyance has not occurred:  
1 18 a. A certificate issued by the clerk of the district court  
1 19 or clerk of the supreme court indicating that the title to real  
1 20 estate has been finally established in any named person by  
1 21 judgment or decree or by will.  
1 22 b. An affidavit of or on behalf of a surviving joint tenant  
1 23 or a person who owns the remainder interest. The affidavit  
1 24 shall include substantially the following:  
1 25 (1) The name of the affiant.  
1 26 (2) The name of the surviving joint tenant or owner of  
1 27 the remainder interest, as applicable, whose name the county  
1 28 records should reflect ownership of title.  
1 29 (3) The name of the deceased joint tenant or life tenant and  
1 30 such person's date of death.  
1 31 (4) The legal description of the real estate located in the  
1 32 county.  
1 33 (5) The description and date of filing and recording of the  
1 34 conveyance instrument by which the surviving joint tenant or  
1 35 owner of the remainder interest acquired title.



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2 1       (6) The document reference number of the instrument  
2 2 establishing title, if applicable.  
2 3       (7) A request that the auditor enter the information on the  
2 4 transfer books and index pursuant to subsection 1.  
2 5       c. An affidavit by or for a person, other than an  
2 6 individual, following a merger, consolidation, name change, or  
2 7 change of fiduciary. The affidavit shall include substantially  
2 8 the following, as applicable:  
2 9       (1) The former name of the person.  
2 10       (2) The new name of the person.  
2 11       (3) The legal description of the real estate located in the  
2 12 county.  
2 13       (4) A description of the merger, consolidation, name  
2 14 change, or change of fiduciary.  
2 15       (5) A request that the auditor enter the information on the  
2 16 transfer books and index pursuant to subsection 1.  
2 17       d. Articles of merger, consolidation, or name change as  
2 18 required by another provision of law if the legal description  
2 19 of the real estate is attached thereto.  
2 20       4. An instrument accepted by the auditor and used to update  
2 21 the transfer books and index under this section, but which is  
2 22 not recorded with the recorder, is not a muniment of title.

EXPLANATION

2 24       This bill strikes and rewrites current Code section 558.66  
2 25 relating to updating of the county transfer books and index by  
2 26 the county auditor upon receipt of certain certificates issued  
2 27 by the clerk of the district court or clerk of the supreme  
2 28 court indicating that the title to real estate has been finally  
2 29 established and other specified affidavits filed relating to  
2 30 real estate held in joint tenancy by married individuals.  
2 31       The bill provides that upon the receipt of certain  
2 32 instruments containing specified information relating to the  
2 33 ownership of real estate and the payment of all required fees,  
2 34 the auditor shall enter the updated or corrected real estate  
2 35 ownership information in the transfer books and index. The



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3 1 types of instruments authorized in the bill for use by the  
3 2 auditor include a certificate issued by the clerk of the  
3 3 district court or clerk of the supreme court indicating that  
3 4 the title to real estate has been finally established in any  
3 5 named person by judgment or decree or by will, an affidavit of  
3 6 or on behalf of a surviving joint tenant (not only those joint  
3 7 tenants who are a surviving spouse) or a person who owns a  
3 8 remainder interest, an affidavit by or for a person, other than  
3 9 an individual, following a merger, consolidation, name change,  
3 10 or change of fiduciary, and articles of merger, consolidation,  
3 11 or name change if the legal description of the real estate is  
3 12 attached. The bill provides that an instrument accepted by the  
3 13 auditor and used to update the transfer books and index under  
3 14 the bill, but which is not recorded with the county recorder,  
3 15 is not a muniment of title.

LSB 1051SC (3) 84

md/sc



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**Senate Study Bill 1041**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

**A BILL FOR**

1 An Act relating to the foreclosure of a real estate mortgage.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1578SC (3) 84  
rh/sc



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Senate Study Bill 1041 continued

PAG LIN

1 1 Section 1. Section 654.5, subsection 2, Code 2011, is  
1 2 amended to read as follows:  
1 3 2. a. A special execution shall issue under such conditions  
1 4 as the decree may prescribe, and the sale under the special  
1 5 execution is subject to redemption as in cases of sale under  
1 6 general execution unless the plaintiff has elected foreclosure  
1 7 without redemption under section 654.20.  
1 8 b. A successful bidder at the sale who is not affiliated  
1 9 with the judgment creditor may elect to receive, in lieu  
1 10 of a sheriff's deed or sheriff's certificate of sale, an  
1 11 assignment without recourse by operation of law of all of the  
1 12 judgment creditor's interest in the judgment, the underlying  
1 13 indebtedness, and any policies of title, property, and any  
1 14 other similar insurance or guaranty owned by the judgment  
1 15 creditor relating to the affected property. Except for a sale  
1 16 that is subject to redemption, an assignment under this section  
1 17 shall bar junior interests in the property as if an assignment  
1 18 had not been elected. If the sale is subject to redemption,  
1 19 the period to redeem shall commence on the date of the sale  
1 20 resulting in the assignment.

1 21 EXPLANATION  
1 22 This bill relates to the foreclosure of a real estate  
1 23 mortgage.  
1 24 Current law relating to foreclosure with redemption provides  
1 25 a statutory right of redemption to the debtor of the foreclosed  
1 26 property which allows the debtor to reclaim the debtor's  
1 27 foreclosed property by making payment in full of the unpaid  
1 28 loan plus costs (Code section 628.3). This right of redemption  
1 29 also applies to creditors, under some circumstances, if the  
1 30 debtor does not exercise the debtor's right to redeem (Code  
1 31 sections 628.5 and 628.8). Once the redemption period expires  
1 32 (generally, one year from the day of the sale) without a  
1 33 party redeeming the property, the purchaser is entitled to a  
1 34 sheriff's deed which conveys title only as it existed when the  
1 35 mortgage was executed.



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2 1 This bill allows a successful bidder at a sheriff's sale  
2 2 who is not affiliated with the judgment creditor to elect to  
2 3 receive, in lieu of a sheriff's deed or sheriff's certificate  
2 4 of sale, an assignment of all of the judgment creditor's  
2 5 interest in the judgment, the underlying indebtedness, and any  
2 6 policies of title, property, and any other similar insurance  
2 7 or guaranty owned by the judgment creditor relating to the  
2 8 affected property. Except for a sale that is subject to  
2 9 redemption, an assignment under the bill bars junior interests  
2 10 in the property as if an assignment had not been elected. If  
2 11 the sale is subject to redemption, the period to redeem begins  
2 12 on the date of the sale resulting in the assignment.

LSB 1578SC (3) 84

rh/sc



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**Senate Study Bill 1042**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

**A BILL FOR**

1 An Act relating to the release and satisfaction of judgments.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1049SC (4) 84  
rh/nh



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Senate Study Bill 1042 continued

PAG LIN

1 1 Section 1. Section 624.23, subsection 2, paragraph c, Code  
1 2 2011, is amended to read as follows:

1 3 c. A party serving a written demand under this subsection  
1 4 may obtain an immediate court order releasing the claimed lien  
1 5 by posting with the clerk of court a cash bond in an amount of  
1 6 at least one hundred twenty-five percent of the outstanding  
1 7 balance owed on the judgment. The court may order that in  
1 8 lieu of posting the bond with the clerk of court, the bond  
1 9 may be deposited in either the trust account of an attorney  
1 10 licensed to practice law in this state or in a federally  
1 11 insured depository institution, along with the restriction that  
1 12 the bond not be disbursed except as the court may direct. A  
1 13 copy of the court order shall be served along with a written  
1 14 demand under this subsection. Thereafter, any execution on  
1 15 the judgment shall be against the bond, subject to all claims  
1 16 and defenses which the moving party had against the execution  
1 17 against the real estate, including but not limited to a lack  
1 18 of equity in the property to support the lien in its proper  
1 19 priority. The bond shall be released ~~by the clerk of court~~  
1 20 upon demand of its principal or surety if no execution is  
1 21 ordered on the judgment within thirty days of completion of  
1 22 service of the written demand under this subsection.

1 23 Sec. 2. Section 624.37, Code 2011, is amended to read as  
1 24 follows:

1 25 624.37 Satisfaction of judgment ==== penalty.

1 26 1. When the amount due upon judgment is paid off, or  
1 27 satisfied in full, the party entitled to the proceeds thereof,  
1 28 or those acting for that party, must acknowledge satisfaction  
1 29 of the judgment by the execution of an instrument referring to  
1 30 it, duly acknowledged or notarized in the manner prescribed  
1 31 in chapter 9E, and filed in the office of the clerk in every  
1 32 county wherein the judgment is a lien. A failure to ~~do so~~  
1 33 acknowledge satisfaction of the judgment in such manner  
1 34 within thirty days after having been requested to do so in  
1 35 a writing containing a draft release of the judgment shall



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2 1 subject the delinquent party to a penalty of ~~one~~ four hundred  
2 2 dollars ~~plus reasonable attorney fees incurred by the party~~  
~~2 3 aggrieved, to be recovered in an action for the satisfaction~~  
~~2 4 or acknowledgment by the party aggrieved by a motion filed by~~  
2 5 the judgment debtor in the court that rendered the original  
2 6 judgment requesting that the judgment debtor be subrogated to  
2 7 the rights of the judgment creditor, that the court determine  
2 8 the amount currently owed on the judgment, or any other relief  
2 9 as may be necessary to accomplish payment and satisfaction of  
2 10 the judgment. If the motion relates to a lien of judgment as to  
2 11 specific property, the motion may be filed by a person with an  
2 12 interest in the property.

2 13 2. Upon the filing of an affidavit to the motion that  
2 14 a judgment creditor cannot be located or is unresponsive  
2 15 to requests to accept payment within the thirty-day period  
2 16 described in subsection 1, payment upon a judgment may be  
2 17 made to the treasurer of state as provided in chapter 556 and  
2 18 the treasurer's receipt for the funds is conclusive proof of  
2 19 payment on the judgment.

2 20 Sec. 3. Section 631.1, Code 2011, is amended by adding the  
2 21 following new subsection:

2 22 NEW SUBSECTION. 8. The district court sitting in small  
2 23 claims has concurrent jurisdiction of motions and orders  
2 24 relating to releases of judgments in whole or in part including  
2 25 motions and orders under section 624.23, subsection 2,  
2 26 paragraph "c" and section 624.37, where the amount owing on  
2 27 the judgment, including interests and costs, is five thousand  
2 28 dollars or less.

2 29 EXPLANATION

2 30 This bill relates to the release and satisfaction of  
2 31 judgments.

2 32 Current law provides that a party serving a written demand  
2 33 on a judgment lien against a homestead may obtain an immediate  
2 34 court order releasing the claimed lien by posting a cash bond  
2 35 with the clerk of court. The bill provides that the court



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3 1 may order that, in lieu of posting the bond with the clerk of  
3 2 court, the bond may be deposited in either the trust account  
3 3 of an attorney licensed to practice law in this state or in  
3 4 a federally insured depository institution, along with the  
3 5 restriction that the bond not be disbursed except as the court  
3 6 may direct.

3 7 Current law provides that when the amount due on a judgment  
3 8 is paid off or satisfied in full, the judgment creditor must  
3 9 acknowledge satisfaction of the judgment by executing and  
3 10 filing an instrument with the clerk of court in every county  
3 11 where the judgment is a lien. Failure to do so within 30  
3 12 days subjects the judgment creditor to a penalty of \$100 plus  
3 13 reasonable attorney fees. The bill amends this law to provide  
3 14 that the judgment creditor may instead have the instrument  
3 15 acknowledging satisfaction of the debt notarized in the manner  
3 16 prescribed in Code chapter 9E. The bill increases the penalty  
3 17 for failing to acknowledge the satisfaction of the debt in  
3 18 such a manner to \$400 but eliminates the recovery of attorney  
3 19 fees. The bill provides that the penalty may be recovered by a  
3 20 motion filed by the judgment debtor in the court that rendered  
3 21 the original judgment requesting that the judgment debtor be  
3 22 subrogated to the rights of the judgment creditor, that the  
3 23 court determine the amount currently owed on the judgment, or  
3 24 any other relief as may be necessary to accomplish payment and  
3 25 satisfaction of the judgment. If the motion relates to a lien  
3 26 of judgment as to specific property, the motion may be filed by  
3 27 a person with an interest in the property.

3 28 The bill also provides that upon the filing of an affidavit  
3 29 that a judgment creditor cannot be located or is unresponsive  
3 30 to requests to accept payment, payment upon a judgment may be  
3 31 made to the treasurer of state as provided in Code chapter 556  
3 32 and the treasurer's receipt for the funds is conclusive proof  
3 33 of payment on the judgment.

3 34 The bill provides that the district court sitting in small  
3 35 claims has concurrent jurisdiction of motions and orders



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4 1 relating to releases of judgments where the amount owing on the  
4 2 judgment, including interests and costs, is \$5,000 or less.  
LSB 1049SC (4) 84  
rh/nh



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**Senate Study Bill 1043**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

**A BILL FOR**

1 An Act relating to the placement of a juvenile on youthful  
2 offender status in district court.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1594SC (2) 84  
jm/rj



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1 1 Section 1. Section 232.8, subsection 3, paragraph a, Code  
1 2 2011, is amended to read as follows:

1 3 a. The juvenile court, after a hearing and in accordance  
1 4 with the provisions of section 232.45, may waive jurisdiction  
1 5 of a child alleged to have committed a public offense so  
1 6 that the child may be prosecuted as an adult or youthful  
1 7 offender for such offense in another court. If the child,  
~~1 8 except a child being prosecuted as a youthful offender,~~ pleads  
1 9 guilty or is found guilty of a public offense other than a  
1 10 class "A" felony in another court of this state, that court  
1 11 may suspend the sentence or, with the consent of the child,  
1 12 defer judgment and without regard to restrictions placed upon  
1 13 deferred judgments for adults, place the child on probation for  
1 14 a period of not less than one year upon such conditions as it  
1 15 may require. Upon fulfillment of the conditions of probation,  
1 16 a child who receives a deferred judgment shall be discharged  
1 17 without entry of judgment.

1 18 Sec. 2. Section 232.45, subsection 7, paragraph a,  
1 19 subparagraph (1), Code 2011, is amended to read as follows:

1 20 (1) The child is thirteen, fourteen, or fifteen years of age  
1 21 ~~or younger~~.

1 22 Sec. 3. Section 232.50, subsection 1, Code 2011, is amended  
1 23 to read as follows:

1 24 1. As soon as practicable following the entry of an order  
1 25 of adjudication pursuant to section 232.47 or notification  
1 26 that the child has received a youthful offender ~~deferred~~  
1 27 sentence pursuant to section 907.3A, the court shall hold a  
1 28 dispositional hearing in order to determine what disposition  
1 29 should be made of the matter.

1 30 Sec. 4. Section 232.52, subsection 1, Code 2011, is amended  
1 31 to read as follows:

1 32 1. Pursuant to a hearing as provided in section 232.50, the  
1 33 court shall enter the least restrictive dispositional order  
1 34 appropriate in view of the seriousness of the delinquent act,  
1 35 the child's culpability as indicated by the circumstances of



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2 1 the particular case, the age of the child, the child's prior  
2 2 record, or the fact that the child has received a youthful  
2 3 offender ~~deferred~~ sentence under section 907.3A. The order  
2 4 shall specify the duration and the nature of the disposition,  
2 5 including the type of residence or confinement ordered and the  
2 6 individual, agency, department, or facility in whom custody is  
2 7 vested. In the case of a child who has received a youthful  
2 8 offender ~~deferred~~ sentence, the initial duration of the  
2 9 dispositional order shall be until the child reaches the age  
2 10 of eighteen.

2 11 Sec. 5. Section 232.54, subsection 1, paragraph g, Code  
2 12 2011, is amended to read as follows:

2 13 g. With respect to a juvenile court dispositional order  
2 14 entered regarding a child who has received a youthful offender  
2 15 ~~deferred~~ sentence under section 907.3A, the dispositional  
2 16 order may be terminated prior to the child reaching the age  
2 17 of eighteen upon motion of the child, the person or agency to  
2 18 whom custody of the child has been transferred, or the county  
2 19 attorney following a hearing before the juvenile court if it  
2 20 is shown by clear and convincing evidence that it is in the  
2 21 best interests of the child and the community to terminate  
2 22 the order. The hearing may be waived if all parties to the  
2 23 proceeding agree. The dispositional order regarding a child  
2 24 who has received a youthful offender ~~deferred~~ sentence may  
2 25 also be terminated prior to the child reaching the age of  
2 26 eighteen upon motion of the county attorney, if the waiver of  
2 27 the child to district court was conditioned upon the terms of  
2 28 an agreement between the county attorney and the child, and  
2 29 the child violates the terms of the agreement after the waiver  
2 30 order has been entered. The district court shall discharge the  
2 31 child's youthful offender status upon receiving a termination  
2 32 order under this section.

2 33 Sec. 6. Section 232.54, subsection 1, paragraph h,  
2 34 unnumbered paragraph 1, Code 2011, is amended to read as  
2 35 follows:



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3 1 With respect to a dispositional order entered regarding a  
3 2 child who has received a youthful offender ~~deferred~~ sentence  
3 3 under section 907.3A, the juvenile court may, in the case of a  
3 4 child who violates the terms of the order, modify or terminate  
3 5 the order in accordance with the following:  
3 6     Sec. 7. Section 232.55, subsection 3, Code 2011, is amended  
3 7 to read as follows:  
3 8     3. This section does not apply to dispositional orders  
3 9 entered regarding a child who has received a youthful offender  
3 10 ~~deferred~~ sentence under section 907.3A who is not discharged  
3 11 from probation before or upon the child's eighteenth birthday.  
3 12     Sec. 8. Section 232.56, Code 2011, is amended to read as  
3 13 follows:  
3 14     232.56 Youthful offenders ==== transfer to district court  
3 15 supervision.  
3 16     The juvenile court shall deliver a report, which includes  
3 17 an assessment of the child by a juvenile court officer  
3 18 after consulting with the judicial district department of  
3 19 correctional services, to the district court prior to the  
3 20 eighteenth birthday of a child who has received a youthful  
3 21 offender ~~deferred~~ sentence under section 907.3A. A hearing  
3 22 shall be held in the district court in accordance with section  
3 23 907.3A to determine whether the child should be discharged from  
3 24 youthful offender status or whether the child shall continue  
3 25 under the supervision of the district court after the child's  
3 26 eighteenth birthday.  
3 27     Sec. 9. Section 907.3A, subsection 1, Code 2011, is amended  
3 28 to read as follows:  
3 29     1. Notwithstanding section 907.3 but subject to any  
3 30 conditions of the waiver order, the trial court shall, upon a  
3 31 plea of guilty or a verdict of guilty, defer judgment or defer  
3 32 sentence of a youthful offender over whom the juvenile court  
3 33 has waived jurisdiction pursuant to section 232.45, subsection  
3 34 7, and place the juvenile on youthful offender status. The  
3 35 court shall transfer supervision of the youthful offender to



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4 1 the juvenile court for disposition in accordance with section  
4 2 232.52. The court shall require supervision of the youthful  
4 3 offender in accordance with section 232.54, subsection 1,  
4 4 paragraph "h", or subsection 2 of this section. Notwithstanding  
4 5 section 901.2, a presentence investigation shall not be  
4 6 ordered by the court subsequent to an entry of a plea of guilty  
4 7 or verdict of guilty or prior to deferral of sentence of a  
4 8 youthful offender under this section.

4 9 Sec. 10. Section 907.3A, subsection 3, Code 2011, is amended  
4 10 to read as follows:

4 11 3. Notwithstanding any provision of the Code which  
4 12 prescribes a mandatory minimum sentence for the offense  
4 13 committed by the youthful offender, following transfer of the  
4 14 youthful offender from the juvenile court back to the court  
4 15 having jurisdiction over the criminal proceedings involving the  
4 16 youthful offender, the court may continue the youthful offender  
4 17 ~~deferred~~ sentence or enter a sentence, which may be a suspended  
4 18 sentence. Notwithstanding anything in section 907.7 to the  
4 19 contrary, if the district court either continues the youthful  
4 20 offender ~~deferred~~ sentence or enters a sentence, suspends the  
4 21 sentence, and places the youthful offender on probation, the  
4 22 term of formal supervision shall commence upon entry of the  
4 23 order by the district court and may continue for a period not  
4 24 to exceed five years. If the district court enters a sentence  
4 25 of confinement, and the youthful offender was previously placed  
4 26 in secure confinement by the juvenile court under the terms  
4 27 of the initial disposition order or any modification to the  
4 28 initial disposition order, the person shall receive credit for  
4 29 any time spent in secure confinement. During any period of  
4 30 probation imposed by the district court, a youthful offender  
4 31 who violates the terms of probation is subject to section  
4 32 908.11.

4 33 EXPLANATION

4 34 This bill relates to the placement of a juvenile on youthful  
4 35 offender status in district court.



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5 1 The bill specifies that a juvenile who is 13, 14, or 15 years  
5 2 of age is eligible to be prosecuted as a youthful offender.  
5 3 Current law requires that a juvenile be 15 years of age or  
5 4 younger in order to be eligible for prosecution as a youthful  
5 5 offender.

5 6 A youthful offender is a juvenile who is prosecuted in  
5 7 district court but is supervised in juvenile court until the  
5 8 age of 18. Upon the youthful offender attaining the age of 18,  
5 9 the district court has discretion to discharge the sentence or  
5 10 continue supervision of the youthful offender in district court  
5 11 as provided Code section 907.3A.

5 12 The bill also allows the district court to defer judgment  
5 13 of a juvenile who has been waived to district court pursuant  
5 14 to Code section 232.45, subsection 7, for prosecution as a  
5 15 youthful offender. Current law only allows the district court  
5 16 to defer the sentence of a juvenile who has been waived to  
5 17 district court pursuant to Code section 232.45, subsection 7,  
5 18 for prosecution as a youthful offender.

5 19 A "deferred judgment" means a sentencing option where the  
5 20 adjudication of guilt and the imposition of a sentence are  
5 21 deferred by the court. However, the court retains the power  
5 22 to pronounce judgment and impose sentence subject to the  
5 23 defendant's compliance with conditions set by the court as a  
5 24 requirement of the deferred judgment.

5 25 A "deferred sentence" means a sentencing option where the  
5 26 court enters an adjudication of guilt but does not impose a  
5 27 sentence. The court does retain the power to sentence the  
5 28 defendant to any sentence it originally could have imposed  
5 29 subject to the defendant's compliance with conditions set by  
5 30 the court as a requirement of the deferred sentence.

LSB 1594SC (2) 84

jm/rj



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**Senate Study Bill 1044**

SENATE/HOUSE FILE  
BY (PROPOSED JUDICIAL  
BRANCH BILL)

**A BILL FOR**

1 An Act providing access to child abuse records in juvenile  
2 court and the prosecution of certain youthful offenders.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1282DP (3) 84  
jm/rj



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Senate Study Bill 1044 continued

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1 1 Section 1. Section 232.8, subsection 1, paragraph c, Code  
1 2 2011, is amended to read as follows:

1 3 c. Violations by a child, aged sixteen or older, which  
1 4 subject the child to the provisions of section 124.401,  
1 5 subsection 1, paragraph "e" or "f", or violations of section  
1 6 723A.2 which involve a violation of chapter 724, or violation  
1 7 of chapter 724 which constitutes a felony, or violations which  
1 8 constitute a forcible felony are excluded from the jurisdiction  
1 9 of the juvenile court and shall be prosecuted as otherwise  
1 10 provided by law unless the court transfers jurisdiction of the  
1 11 child to the juvenile court upon motion and for good cause as  
1 12 provided in section 803.6. A child over whom jurisdiction  
1 13 has not been transferred to the juvenile court, and who is  
1 14 convicted of a violation excluded from the jurisdiction of  
1 15 the juvenile court under this paragraph, shall be sentenced  
1 16 pursuant to section 124.401B, 902.9, or 903.1. Notwithstanding  
1 17 any other provision of the Code to the contrary, the court may  
1 18 accept from a child a plea of guilty, or may instruct the jury  
1 19 on a lesser included offense to the offense excluded from the  
1 20 jurisdiction of the juvenile court under this section, in the  
1 21 same manner as regarding an adult. However, the juvenile court  
1 22 shall have exclusive original jurisdiction in a proceeding  
1 23 concerning an offense of animal torture as provided in section  
1 24 717B.3A alleged to have been committed by a child under the age  
1 25 of seventeen.

1 26 Sec. 2. Section 232.28, subsection 3, paragraph b, Code  
1 27 2011, is amended to read as follows:

1 28 b. Check existing records of the court, law enforcement  
1 29 agencies, ~~and~~ public records of other agencies, and child abuse  
1 30 records as provided in section 235A.15, subsection 2, paragraph  
1 31 "e".

1 32 Sec. 3. Section 232.45, subsection 7, paragraph a,  
1 33 subparagraph (1), Code 2011, is amended to read as follows:

1 34 (1) The child is ~~fifteen~~ seventeen years of age or younger.

1 35 Sec. 4. Section 235A.15, subsection 2, paragraph e, Code



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2 1 2011, is amended by adding the following new subparagraph:

2 2 NEW SUBPARAGRAPH. (20) To an intake officer making a  
2 3 preliminary inquiry pursuant to section 232.28, subsection 3.

2 4 Sec. 5. Section 803.6, Code 2011, is amended to read as  
2 5 follows:

2 6 803.6 Transfer of jurisdiction ==== juvenile.

2 7 1. The court, on its own motion, or upon motion of  
2 8 any party, in the case of a juvenile who is alleged to  
2 9 have committed a criminal offense listed in section 232.8,  
2 10 subsection 1, paragraph "c", may direct a juvenile court officer  
2 11 to provide a report regarding whether the child should be  
2 12 transferred to juvenile court for adjudication and disposition  
2 13 as a juvenile or prosecuted as a youthful offender pursuant to  
2 14 section 907.3A.

2 15 2. ~~If the court believes that transfer may be appropriate~~  
2 16 ~~the~~ The court shall hold a hearing on whether the child  
2 17 should be transferred to juvenile court for adjudication and  
2 18 disposition or prosecuted as a youthful offender pursuant to  
2 19 section 907.3A. A notice of the time and place of the ~~transfer~~  
2 20 hearing shall be given to all parties to the case. Prior to  
2 21 the hearing, the court shall provide the defendant's counsel  
2 22 and the county attorney with access to the report provided by  
2 23 the juvenile court officer and to all written material to be  
2 24 considered by the court.

2 25 3. After the hearing, the court may transfer jurisdiction  
2 26 to the juvenile court if the court determines that waiver to  
2 27 the criminal court would be inappropriate under the criteria  
2 28 set forth in section 232.45, subsection 6, paragraph "c",  
2 29 and section 232.45, subsection 8. In the alternative,  
2 30 after considering the criteria set forth in section 232.45,  
2 31 subsections 7 and 9, the court may order prosecution as a  
2 32 youthful offender pursuant to section 907.3A.

2 33 4. If after the hearing the court transfers jurisdiction  
2 34 over the defendant to the juvenile court for the alleged  
2 35 commission of the public offense, the court shall forward the



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3 1 transfer order together with all papers, documents, and a  
3 2 transcript of all testimony filed or admitted into evidence in  
3 3 connection with the case to the clerk of the juvenile court in  
3 4 the same manner as provided in section 232.8, subsection 2. If  
3 5 after hearing the court orders the defendant to be prosecuted  
3 6 as a youthful offender the defendant shall be prosecuted under  
3 7 the procedures provided in section 907.3A.

3 8 5. A defendant transferred to the jurisdiction of the  
3 9 juvenile court shall be placed in detention under section  
3 10 232.22, or continued under bond conditions if bond has  
3 11 previously been posted. A defendant prosecuted as a youthful  
3 12 offender shall be detained pursuant to section 232.23. A  
3 13 determination pursuant to section 232.23, subsection 2, may be  
3 14 made by the district court based upon evidence submitted at the  
3 15 hearing.

3 16 Sec. 6. Section 907.3A, subsection 1, Code 2011, is amended  
3 17 to read as follows:

3 18 1. a. Notwithstanding section 907.3 but subject to any  
3 19 conditions of the waiver order, the trial court shall, upon  
3 20 a plea of guilty or a verdict of guilty, defer sentence of  
3 21 a youthful offender over whom the juvenile court has waived  
3 22 jurisdiction pursuant to section 232.45, subsection 7, and  
3 23 place the juvenile on youthful offender status.

3 24 b. Notwithstanding section 907.3 and upon hearing under  
3 25 section 803.6, the court may place a juvenile excluded from the  
3 26 jurisdiction of the juvenile court pursuant to section 232.8,  
3 27 subsection 1, paragraph "c", on youthful offender status.

3 28 c. The court shall transfer supervision of the youthful  
3 29 offender to the juvenile court for disposition in accordance  
3 30 with section 232.52. The court shall require supervision  
3 31 of the youthful offender in accordance with section 232.54,  
3 32 subsection 1, paragraph "h", or subsection 2 of this section.  
3 33 Notwithstanding section 901.2, a presentence investigation  
3 34 shall not be ordered by the court subsequent to an entry of a  
3 35 plea of guilty or verdict of guilty or prior to deferral of



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4 1 sentence of a youthful offender under this section.

4 2 EXPLANATION

4 3 This bill relates to access to child abuse records in  
4 4 juvenile court and the prosecution of youthful offenders.

4 5 Under the bill, when a complaint is filed pursuant to Code  
4 6 section 232.28 that a juvenile has committed a delinquent act,  
4 7 the juvenile court intake officer making a preliminary inquiry  
4 8 into the complaint shall be granted access to report data and  
4 9 disposition data for cases of founded child abuse relating to  
4 10 the juvenile who is the subject of the complaint. "Report  
4 11 data" and "disposition data" are defined in Code section  
4 12 235A.13.

4 13 The bill provides that a juvenile who is 17 years of age or  
4 14 younger may be placed on youthful offender status pursuant to  
4 15 the procedures of Code section 907.3A. Current law provides  
4 16 that a juvenile 15 years of age or younger may be placed on  
4 17 youthful offender status.

4 18 The bill also requires the district court to hold a hearing  
4 19 for a juvenile excluded from the jurisdiction of juvenile court  
4 20 pursuant to Code section 232.8(1)(c) because of the commission  
4 21 of a serious offense to determine if the child should be  
4 22 transferred to juvenile court for adjudication and disposition  
4 23 as a juvenile or prosecuted as a youthful offender. Current  
4 24 law requires such a hearing if the court believes a transfer  
4 25 to juvenile court may be appropriate. Current law also does  
4 26 not permit the court to place a juvenile on youthful offender  
4 27 status if the juvenile has been excluded from the jurisdiction  
4 28 of juvenile court for a serious offense.

4 29 The bill permits a juvenile excluded from the jurisdiction  
4 30 of the juvenile court for a serious offense to remain on  
4 31 bond if bond has been posted for the juvenile prior to being  
4 32 transferred to juvenile court. Current law requires a juvenile  
4 33 excluded from the jurisdiction of the juvenile court for a  
4 34 serious offense to be placed in detention upon the transfer to  
4 35 the jurisdiction of juvenile court.



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5 1 A youthful offender is a juvenile who receives a conviction  
5 2 and deferred sentence in district court but is supervised  
5 3 in juvenile court. Prior to a youthful offender reaching  
5 4 the age of 18, a hearing is conducted by the district court  
5 5 to determine whether supervision of the juvenile should  
5 6 continue in district court or the sentence be discharged. If  
5 7 supervision of the youthful offender is continued in district  
5 8 court, any mandatory minimums that apply to the offense do  
5 9 not apply to the youthful offender unless the court enters a  
5 10 sentence of confinement.

LSB 1282DP (3) 84

jm/rj



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**Senate Study Bill 1045**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

**A BILL FOR**

1 An Act relating to mental health and substance abuse histories  
2 conducted in a presentence investigation report and the  
3 standards for release on probation in a criminal proceeding.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1046SC (2) 84  
jm/nh



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1 1 Section 1. Section 901.3, subsection 1, Code 2011, is  
1 2 amended to read as follows:

1 3 1. The defendant's characteristics, family and financial  
1 4 circumstances, needs, and potentialities, ~~including the~~  
~~1 5 presence of any previously diagnosed mental disorder.~~

1 6 Sec. 2. Section 901.3, Code 2011, is amended by adding the  
1 7 following new subsections:

1 8 NEW SUBSECTION. 2A. The defendant's mental health history  
1 9 and treatment options available in the defendant's community  
1 10 and the correctional system.

1 11 NEW SUBSECTION. 2B. The defendant's substance abuse  
1 12 history and treatment options available in the defendant's  
1 13 community and the correctional system.

1 14 Sec. 3. Section 907.5, Code 2011, is amended to read as  
1 15 follows:

1 16 907.5 Standards for release on probation ==== written reasons.

1 17 Before deferring judgment, deferring sentence, or suspending  
1 18 sentence, the court first shall determine which option,  
1 19 if available, will provide maximum opportunity for the  
1 20 rehabilitation of the defendant and protection of the community  
1 21 from further offenses by the defendant and others. In making  
1 22 this determination, the court shall consider the age of the  
1 23 defendant; the defendant's prior record of convictions and  
1 24 prior record of deferments of judgment if any; the defendant's  
1 25 employment circumstances; the defendant's family circumstances;  
1 26 the defendant's mental health and substance abuse history  
1 27 and treatment options available in the community and the  
1 28 correctional system; the nature of the offense committed; and  
1 29 such other factors as are appropriate. The court shall file  
1 30 a specific written statement of its reasons for and the facts  
1 31 supporting its decision to defer judgment, to defer sentence,  
1 32 or to suspend sentence, and its decision on the length of  
1 33 probation.

1 34 EXPLANATION

1 35 This bill relates to mental health and substance abuse



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2 1 histories conducted in a presentence investigation report  
2 2 and the standards for release on probation in a criminal  
2 3 proceeding.

2 4 The bill provides that the judicial district department of  
2 5 correctional services conducting a presentence investigation  
2 6 shall include in the report the defendant's mental health and  
2 7 substance abuse history and the treatment options available to  
2 8 the defendant in the community and the correctional system.

2 9 The bill also requires the court prior to deferring  
2 10 judgment, deferring sentence, or suspending sentence, to  
2 11 consider the mental health or substance abuse history of a  
2 12 defendant and the treatment options available to the defendant  
2 13 in the community and the correctional system.

2 14 A presentence investigation report details the background of  
2 15 a defendant and is reviewed by the court prior to sentencing a  
2 16 criminal defendant.

LSB 1046SC (2) 84

jm/nh



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**Senate Study Bill 1046**

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

**A BILL FOR**

1 An Act relating to environmental protection, including solid  
2 waste, sewage works, hazardous waste, infectious medical  
3 waste, and pesticide and fertilizer contamination.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1195DP (6) 84  
tm/nh



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1 1 Section 1. Section 29C.8A, subsection 1, Code 2011, is  
1 2 amended to read as follows:

1 3 1. An emergency response fund is created in the state  
1 4 treasury. The first one hundred thousand dollars received  
1 5 annually by the treasurer of state for the civil penalties  
1 6 and fines imposed by the court pursuant to sections 455B.146,  
1 7 455B.191, 455B.386, ~~455B.417, 455B.454, 455B.466,~~ and 455B.477  
1 8 shall be deposited in the waste volume reduction and recycling  
1 9 fund created in section 455D.15. The next hundred thousand  
1 10 dollars shall be deposited in the emergency response fund and  
1 11 any additional moneys shall be deposited in the household  
1 12 hazardous waste account. All moneys received annually by  
1 13 the treasurer of the state for the fines imposed by sections  
1 14 716B.2, 716B.3, and 716B.4 shall also be deposited in the  
1 15 emergency response fund.

1 16 Sec. 2. Section 161.2, subsections 1, 2, 5, 6, 11, 14, and  
1 17 15, Code 2011, are amended to read as follows:

1 18 1. "Action level" means ~~the same as defined in section~~  
~~1 19 455B.602~~ cleanup standards provided in section 455H.201.

1 20 2. "Active site cleanup" means ~~the same as defined in~~  
~~1 21 section 455B.602~~ treating, dispersing, removing, or disposing  
1 22 of contamination located in soil or water, including but not  
1 23 limited to excavating soil or installing institutional or  
1 24 technological controls to water quality.

1 25 5. "Contaminated site" means ~~the same as defined in section~~  
~~1 26 455B.602~~ a site upon which contamination has been discovered.

1 27 6. "Contamination" means ~~the same as defined in section~~  
~~1 28 455B.602~~ the presence of one or more pesticides or the presence  
1 29 of fertilizer in soil or groundwater at levels above those  
1 30 levels that would result from normal field application rates or  
1 31 above background levels.

1 32 11. "Passive site cleanup" means ~~the same as defined in~~  
~~1 33 section 455B.602~~ the removal or treatment of a contaminant in  
1 34 soil or water through management practices or the construction  
1 35 of barriers, trenches, and other similar facilities for



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2 1 prevention of contamination, as well as the use of natural  
2 2 processes such as groundwater recharge, natural decay, and  
2 3 chemical or biological decomposition.  
2 4 14. "Remediation" means ~~the same as defined in section~~  
~~2 5 455B.602.~~ a process used to protect the public health and  
2 6 safety or the environment from contamination, including by  
2 7 doing all of the following:  
2 8 a. Controlling, containing, or stabilizing the effects  
2 9 caused by a prohibited release.  
2 10 b. Investigating, identifying, or analyzing a contaminant or  
2 11 a contamination source; collecting samples, including soil and  
2 12 water samples; assessing the condition of a site; monitoring  
2 13 a contaminated site; providing for structural testing; or  
2 14 providing for engineering services.  
2 15 c. Providing for site cleanup.  
2 16 15. "Responsible person" means ~~the same as defined~~  
~~2 17 in section 455B.602~~ a person who is legally liable for  
2 18 contamination or who is legally responsible for abating  
2 19 contamination under any applicable law, including chapters  
2 20 455B and 455E and the common law. "Responsible person" may  
2 21 include a person causing, allowing, or otherwise participating  
2 22 in the activities or events which cause contamination, persons  
2 23 who have failed to conduct their activities so as to prevent  
2 24 the release of contaminants into groundwater, persons who are  
2 25 obligated to abate a condition, or persons responsible for or  
2 26 a successor to such persons. "Responsible person" does not  
2 27 include a person who caused contamination by acting in a manner  
2 28 unauthorized by the owner of the pesticide or fertilizer,  
2 29 including a person who trespasses upon a site.  
2 30 Sec. 3. Section 161.2, Code 2011, is amended by adding the  
2 31 following new subsection:  
2 32 NEW SUBSECTION. 3A. "Background levels" means  
2 33 concentrations of a contaminant generally present in the  
2 34 environment in the vicinity of a site or an affected area and  
2 35 not the result of release.



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3 1 Sec. 4. Section 161.5, Code 2011, is amended to read as  
3 2 follows:

3 3 161.5 Remediation standards.

3 4 Remediation conducted pursuant to a plan of remediation  
3 5 incorporated within a remediation agreement as required in  
3 6 section 161.8 shall be performed according to standards adopted  
3 7 by the department of natural resources pursuant to section  
3 8 ~~455B.601~~ 455H.201.

3 9 Sec. 5. Section 455B.104, subsection 1, Code 2011, is  
3 10 amended to read as follows:

3 11 1. The department shall either approve or deny a permit  
3 12 to a person applying for a permit under this chapter within  
3 13 six months from the date that the department receives a  
3 14 completed application for the permit. An application which  
3 15 is not approved or denied within the six-month period shall  
3 16 be approved by default. The department shall issue a permit  
3 17 to the applicant within ten days following the date of  
3 18 default approval. However, this subsection shall not apply to  
3 19 applications for permits which are issued under division II or  
3 20 division IV, parts 2 through 75.

3 21 Sec. 6. Section 455B.411, subsections 5 through 11, Code  
3 22 2011, are amended by striking the subsections.

3 23 Sec. 7. Section 455B.426, subsection 2, Code 2011, is  
3 24 amended to read as follows:

3 25 2. The director shall investigate all known or suspected  
3 26 hazardous waste or hazardous substance disposal sites and  
3 27 determine whether each site should be included in the registry.  
3 28 In the evaluation of known or suspected hazardous waste or  
3 29 hazardous substance disposal sites, the director may enter  
3 30 private property and perform tests and analyses ~~in the manner~~  
~~3 31 provided in section 455B.416.~~

3 32 Sec. 8. Section 455B.426, Code 2011, is amended by adding  
3 33 the following new subsections:

3 34 NEW SUBSECTION. 3. Beginning July 1, 2011, a new site shall  
3 35 not be placed on the registry of confirmed hazardous waste or



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4 1 hazardous substance disposal sites.  
4 2 NEW SUBSECTION. 4. A site placed on the registry of  
4 3 confirmed hazardous waste or hazardous substance disposal sites  
4 4 prior to July 1, 2011, shall be removed upon the execution of  
4 5 a uniform environmental covenant pursuant to the provisions  
4 6 of chapter 455I relating to the contaminated portions of the  
4 7 property listed on the registry. A site may also be removed  
4 8 from the registry pursuant to section 455B.427, subsection 4.  
4 9 NEW SUBSECTION. 5. If no sites remain listed on the  
4 10 registry of confirmed hazardous waste or hazardous substance  
4 11 disposal sites, the department shall recommend to the general  
4 12 assembly the repeal of this section and sections 455B.427  
4 13 through 455B.432.  
4 14 Sec. 9. Section 455D.15, subsection 3, paragraph a, Code  
4 15 2011, is amended by striking the paragraph.  
4 16 Sec. 10. Section 455H.102, Code 2011, is amended to read as  
4 17 follows:  
4 18 455H.102 Scope.  
4 19 The environmental remediation standards established under  
4 20 this chapter shall be used for any response action or other  
4 21 site assessment or remediation that is conducted at a site  
4 22 enrolled pursuant to this chapter notwithstanding provisions  
4 23 regarding water quality in chapter 455B, division III;  
4 24 hazardous conditions in chapter 455B, division IV, part 4;  
4 25 hazardous waste and substance management in chapter 455B,  
4 26 division IV, part 5; underground storage tanks, other than  
4 27 petroleum underground storage tanks, in chapter 455B, division  
4 28 IV, part 8; ~~contaminated sites in chapter 455B, division VIII;~~  
4 29 and groundwater protection in chapter 455E.  
4 30 Sec. 11. Section 558.69, subsection 1, paragraph e, Code  
4 31 2011, is amended to read as follows:  
4 32 e. That no known hazardous waste as defined in section  
4 33 455B.411, subsection 3, ~~or listed by the department pursuant~~  
~~4 34 to section 455B.412, subsection 1,~~ exists on the property, or  
4 35 if known hazardous waste does exist, that the waste is being



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5 1 managed in accordance with rules adopted by the department of  
5 2 natural resources.

5 3 Sec. 12. Section 716B.1, subsections 5 and 6, Code 2011, are  
5 4 amended to read as follows:

5 5 5. "Storage" or "store" means ~~storage as defined in section~~  
~~5 6 455B.411, subsection 9~~ the containment of a hazardous waste,  
5 7 either on a temporary basis or for a period of years, in a  
5 8 manner that does not constitute disposal of the hazardous  
5 9 waste.

5 10 6. "Treatment" or "treat" means ~~treatment as defined~~  
~~5 11 in section 455B.411, subsection 10~~ a method, technique, or  
5 12 process, including neutralization, designed to change the  
5 13 physical, chemical, or biological character or composition of a  
5 14 hazardous waste so as to neutralize the waste or to render the  
5 15 waste nonhazardous, safer for transport, amenable for recovery,  
5 16 amenable for storage, or to reduce the waste in volume.  
5 17 "Treatment" includes any activity or processing designed to  
5 18 change the physical form or chemical composition of hazardous  
5 19 waste to render the waste nonhazardous.

5 20 Sec. 13. REPEAL. Sections 455B.116, 455B.241, 455B.242,  
5 21 455B.243, 455B.244, 455B.245, 455B.246, 455B.312, 455B.316,  
5 22 455B.412, 455B.413, 455B.414, 455B.415, 455B.416, 455B.417,  
5 23 455B.418, 455B.419, 455B.420, 455B.421, 455B.441, 455B.442,  
5 24 455B.443, 455B.444, 455B.445, 455B.446, 455B.447, 455B.448,  
5 25 455B.449, 455B.450, 455B.451, 455B.452, 455B.453, 455B.454,  
5 26 455B.455, 455B.461, 455B.462, 455B.463, 455B.465, 455B.466,  
5 27 455B.467, 455B.468, 455B.504, 455B.601, and 455B.602, Code  
5 28 2011, are repealed.

5 29 Sec. 14. REPEAL. Section 455D.8, Code 2011, is repealed.

5 30 EXPLANATION

5 31 This bill relates to solid waste, sewage works, hazardous  
5 32 waste, infectious medical waste, and pesticide and fertilizer  
5 33 contamination.

5 34 The bill repeals Code sections relating to the pollution  
5 35 hotline program; sewage works construction; the waste



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6 1 abatement program; a penalty for making a false statement or  
6 2 representation in a solid waste comprehensive plan; certain  
6 3 duties of the department of natural resources related to  
6 4 hazardous waste and substance management including the issuance  
6 5 of hazardous waste treatment, storage, or disposal facility  
6 6 permits; hazardous waste sites and facilities; disposal  
6 7 of hazardous waste on land; permit requirements for owners  
6 8 and operators of an infectious medical waste collection  
6 9 or transportation operation; and pesticide and fertilizer  
6 10 contaminated sites. The bill makes necessary conforming  
6 11 amendments.

6 12 The bill provides that, beginning July 1, 2011, a new site  
6 13 shall not be placed on the registry of confirmed hazardous  
6 14 waste or hazardous substance disposal sites. The bill provides  
6 15 that a site placed on the registry of confirmed hazardous  
6 16 substance or hazardous disposal sites prior to July 1, 2011,  
6 17 shall be removed upon the execution of a uniform environmental  
6 18 covenant or through the proper closure of the site. The bill  
6 19 provides that if no sites remain listed on the registry of  
6 20 confirmed hazardous waste or hazardous disposal sites, the  
6 21 department of natural resources shall recommend to the general  
6 22 assembly the repeal of Code sections 455B.426 through 455B.432,  
6 23 relating to the registry.

LSB 1195DP (6) 84

tm/nh



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**Senate Study Bill 1047**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT  
OF PUBLIC DEFENSE  
BILL)

**A BILL FOR**

1 An Act relating to the Iowa military code and military service  
2 by making changes related to the use and support of certain  
3 facilities, operations support, employment and rank of  
4 active and retired military personnel, the definition of  
5 performing military duty, tort claims protections, and an  
6 exemption from state income tax for military pensions and  
7 including effective date and retroactive applicability  
8 provisions.

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

TLSB 1316XD (8) 84

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1 1 Section 1. Section 29A.14, Code 2011, is amended to read as  
1 2 follows:

1 3 29A.14 ~~Leasing~~ Support and facilities improvement fund.

1 4 1. The adjutant general may operate or lease any of the  
1 5 national guard facilities at Camp Dodge. Any income or revenue  
1 6 derived from the operation or leasing shall be deposited with  
1 7 the treasurer of state and credited to the national guard  
1 8 support and facilities improvement fund. The balance in  
1 9 the national guard support and facilities improvement fund  
1 10 is limited to a maximum of two million dollars. Any amount  
1 11 exceeding the limit shall be credited to the general fund of  
1 12 the state.

1 13 2. A national guard support and facilities improvement fund  
1 14 is created in the state treasury. The proceeds of the fund are  
1 15 appropriated, and shall be used ~~only~~ to support national guard  
1 16 operations and for the construction, improvement, modification,  
1 17 maintenance or repair of national guard facilities. However,  
1 18 proceeds of the fund shall not be used for the construction of  
1 19 a new facility without the approval of the general assembly.

1 20 Sec. 2. Section 29A.14A, Code 2011, is amended to read as  
1 21 follows:

1 22 29A.14A Use of government facilities.

1 23 Notwithstanding any provision of law to the contrary, the  
1 24 state or any political subdivision of the state, shall permit  
1 25 the rental of facilities under its control, for a fee not  
1 26 in excess of any expenses incurred by the state or political  
1 27 subdivision, for designated military events. For purposes  
1 28 of this section, "designated military event" means an event,  
1 29 ~~authorized by the adjutant general,~~ for military family  
1 30 readiness groups, departing units, or ~~for~~ returning veterans  
1 31 of the national guard, reserves, or regular components of the  
1 32 armed forces of the United States for a period of up to one year  
1 33 from the date of return from active duty.

1 34 Sec. 3. Section 29A.19, Code 2011, is amended to read as  
1 35 follows:



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2 1 29A.19 Quartermaster.

2 2 A present or retired ~~commissioned officer~~ member of the  
2 3 national guard who has ten years' service in the Iowa army  
2 4 national guard or the Iowa air national guard ~~and has attained~~  
~~2 5 the grade of a field officer~~ shall be detailed to be the  
2 6 quartermaster and property officer of the state, who shall have  
2 7 charge of and be accountable for, under the adjutant general,  
2 8 all state military property. The quartermaster shall keep  
2 9 property returns and reports and give bond to the state of Iowa  
2 10 as the governor may direct.

2 11 Sec. 4. Section 29A.23, Code 2011, is amended to read as  
2 12 follows:

2 13 29A.23 Roll of retired officers and enlisted personnel.

2 14 An officer or enlisted person who is a member of the Iowa  
2 15 national guard who has completed twenty years of military  
2 16 service under 10 U.S.C. { 1331(d), as evidenced by a letter of  
2 17 notification of retired pay at age sixty, shall upon retirement  
2 18 from the Iowa national guard and written request to the  
2 19 adjutant general be placed by order of the commander in chief  
2 20 on a roll in the office of the adjutant general to be known as  
2 21 the "roll of retired national guard military personnel." A  
2 22 member registered on the roll is entitled to wear the uniform  
2 23 of the rank last held on state or other occasions of ceremony,  
2 24 when the wearing of such uniform is not in conflict with  
2 25 federal law.

2 26 Sec. 5. Section 29A.57, subsection 2, Code 2011, is amended  
2 27 to read as follows:

2 28 2. The board may acquire land or real estate by purchase,  
2 29 contract for purchase, gift, or bequest and acquire, own,  
2 30 contract for the construction of, erect, purchase, maintain,  
2 31 alter, operate, and repair installations and facilities of the  
2 32 Iowa army national guard and the Iowa air national guard when  
2 33 funds for the installations and facilities are made available  
2 34 by the federal government, the state of Iowa, municipalities,  
2 35 corporations, or individuals. The title to the property so



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3 1 acquired shall be taken in the name of the state of Iowa and the  
3 2 real estate may be sold or exchanged by the executive council,  
3 3 upon recommendation of the board, when it is no longer needed  
3 4 for the purpose for which it was acquired. Income or revenue  
3 5 derived from the sale of the real estate shall be credited to  
3 6 the national guard support and facilities improvement fund and  
3 7 used for the purposes specified in section 29A.14, subsection  
3 8 2.

3 9 Sec. 6. Section 29A.78, Code 2011, is amended to read as  
3 10 follows:

3 11 29A.78 Brevet rank.

3 12 The commander in chief, on the recommendation of the  
3 13 adjutant general, may commission by brevet general and field  
3 14 grade officers ~~of~~ in the national guard whose names appear on  
3 15 the roll of retired military personnel as defined in section  
3 16 29A.23 in the next higher grade than that held at retirement or  
3 17 resignation. Brevet rank is only honorary and does not confer  
3 18 any privilege, precedence or command or pay any emoluments.  
3 19 Brevet officers may wear the uniform of their brevet rank on  
3 20 occasions of ceremonies related to state functions only.

3 21 Sec. 7. Section 144.13B, Code 2011, is amended to read as  
3 22 follows:

3 23 144.13B Waiver of fees ~~====~~ military service.

3 24 Notwithstanding any provision of this chapter to the  
3 25 contrary, the certified copy fees for a birth certificate or  
3 26 death certificate of a service member, ~~as defined in section~~  
~~3 27 29A.90, who died while on active duty performing military duty,~~  
3 28 as defined in section 29A.1, subsection 3, 11, or 12, shall be  
3 29 waived for a period of one year from the date of death for a  
3 30 family member of the deceased service member.

3 31 Sec. 8. Section 144C.6, subsection 4, Code 2011, is amended  
3 32 to read as follows:

3 33 4. A declaration for disposition of remains made by  
3 34 a service member, ~~as defined in section 29A.90, who died~~  
3 35 while performing military duty as defined in section 29A.1,



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4 1 subsection 3, 11, or 12, on forms provided and authorized by  
4 2 the department of defense for service members for this purpose  
4 3 shall constitute a valid declaration of designee for purposes  
4 4 of this chapter.

4 5 Sec. 9. Section 422.7, Code 2011, is amended by adding the  
4 6 following new subsection:

4 7 NEW SUBSECTION. 41. Subtract, to the extent included,  
4 8 retirement pay received from the federal government for  
4 9 military service performed in the armed forces, armed forces  
4 10 military reserve, or national guard.

4 11 Sec. 10. Section 476.20, subsection 3, unnumbered paragraph  
4 12 3, Code 2011, is amended to read as follows:

4 13 The rules established by the board shall provide that  
4 14 a public utility furnishing gas or electricity shall not  
4 15 disconnect service to a residence in which one of the heads of  
4 16 household is a service member deployed for military service, as  
4 17 defined in section ~~29A.90~~ 29A.1, subsection 3, prior to a date  
4 18 ninety days after the end of the service member's deployment,  
4 19 if the public utility is informed of the deployment.

4 20 Sec. 11. Section 483A.24A, Code 2011, is amended to read as  
4 21 follows:

4 22 483A.24A License refunds ==== military service.

4 23 Notwithstanding any provision of this chapter to the  
4 24 contrary, a service member deployed for military service, both  
4 25 as defined in section ~~29A.90~~ 29A.1, subsection 3, shall receive  
4 26 a refund of that portion of any license fee paid by the service  
4 27 member representing the service member's period of military  
4 28 service.

4 29 Sec. 12. Section 669.2, subsection 4, unnumbered paragraph  
4 30 1, Code 2011, is amended to read as follows:

4 31 "Employee of the state" includes any one or more officers,  
4 32 agents, or employees of the state or any state agency,  
4 33 including members of the general assembly, and persons acting  
4 34 on behalf of the state or any state agency in any official  
4 35 capacity, temporarily or permanently in the service of the



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5 1 state of Iowa, whether with or without compensation, but  
5 2 does not include a contractor doing business with the state.  
5 3 Professional personnel, including physicians, osteopathic  
5 4 physicians and surgeons, osteopathic physicians, optometrists,  
5 5 dentists, nurses, physician assistants, and other medical  
5 6 personnel, who render services to patients or inmates of state  
5 7 institutions under the jurisdiction of the department of human  
5 8 services or the Iowa department of corrections, and employees  
5 9 of the department of veterans affairs, are to be considered  
5 10 employees of the state, whether the personnel are employed on a  
5 11 full-time basis or render services on a part-time basis on a  
5 12 fee schedule or other arrangement. Criminal defendants while  
5 13 performing unpaid community service ordered by the district  
5 14 court, board of parole, or judicial district department of  
5 15 correctional services, or an inmate providing services pursuant  
5 16 to a chapter 28E agreement entered into pursuant to section  
5 17 904.703, and persons supervising those inmates under and  
5 18 according to the terms of the chapter 28E agreement, are to  
5 19 be considered employees of the state. Members of the Iowa  
5 20 national guard performing duties in a requesting state pursuant  
5 21 to section 29C.21 are to be considered employees of the state  
5 22 solely for the purpose of claims arising out of those duties  
5 23 in the event that the requesting state's tort claims coverage  
5 24 does not extend to such members of the Iowa national guard or  
5 25 is less than that provided under Iowa law.

5 26 Sec. 13. Section 724.7, subsection 2, Code 2011, is amended  
5 27 to read as follows:

5 28 2. The commissioner of public safety shall develop a process  
5 29 to allow service members deployed for military service to  
5 30 submit a renewal of a nonprofessional permit to carry weapons  
5 31 early and by mail. In addition, a permit issued to a service  
5 32 member who is deployed for military service, as defined in  
5 33 section ~~29A.90~~ 29A.1, subsection 3, 11, or 12, that would  
5 34 otherwise expire during the period of deployment shall remain  
5 35 valid for ninety days after the end of the service member's





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7 1 public defense, the disconnection of public utility services,  
7 2 the refund of fishing and hunting license fees, and the renewal  
7 3 of weapon permits.

7 4 The bill exempts retirement pay received from the federal  
7 5 government for certain military service from state income  
7 6 taxation. This provision of the bill applies retroactively to  
7 7 January 1, 2011, for tax years beginning on or after that date.

7 8 The bill also amends the Iowa tort claims Act to provide that  
7 9 members of the Iowa national guard performing military duty  
7 10 in a state that has requested assistance from Iowa under the  
7 11 emergency management assistance compact are to be considered  
7 12 employees of the state of Iowa for the purpose of tort claims  
7 13 arising from those duties where the tort claims coverage of the  
7 14 requesting state does not extend to such Iowa national guard  
7 15 members or is less than that of Iowa.

LSB 1316XD (8) 84

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**Senate Study Bill 1048**

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

**A BILL FOR**

1 An Act expanding the definition of alternate energy production  
2 facility for purposes of compliance with electric utility  
3 rate regulation requirements.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1618XC (4) 84  
rn/nh



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1 1 Section 1. Section 476.42, subsection 1, paragraph a, Code  
 1 2 2011, is amended to read as follows:  
 1 3 a. A solar, wind turbine, waste management, resource  
 1 4 recovery, refuse=derived fuel, agricultural crops or residues,  
 1 5 or woodburning facility. For purposes of this definition,  
 1 6 "waste management" includes but is not limited to a facility  
 1 7 producing synthetic gas created by a plasma gasification of  
 1 8 biogenic material such as municipal solid waste or animal  
 1 9 waste. For purposes of this definition, "plasma gasification"  
 1 10 means the thermal disintegration of carbonaceous material into  
 1 11 fragments of compounds in an oxygen=starved environment.

1 12 EXPLANATION

1 13 This bill expands the definition of an "alternate energy  
 1 14 production facility" for purposes of compliance with electric  
 1 15 utility rate regulation requirements.  
 1 16 Provisions contained in Code sections 476.43 and 476.44  
 1 17 require electric utilities to either own alternate energy  
 1 18 production facilities or small hydro facilities located  
 1 19 in Iowa or enter into long=term contracts to purchase or  
 1 20 wheel electricity from such facilities, or provide for the  
 1 21 availability of supplemental or backup power to such facilities  
 1 22 on a nondiscriminatory basis and at just and reasonable rates.  
 1 23 Currently, the applicable definition of "alternate energy  
 1 24 production facility" in Code section 476.42 references  
 1 25 solar, wind turbine, waste management, resource recovery,  
 1 26 refuse=derived fuel, agricultural crops or residues, or  
 1 27 woodburning facilities. The bill specifies that for purposes  
 1 28 of this definition, "waste management" includes but is not  
 1 29 limited to a facility producing synthetic gas created by a  
 1 30 plasma gasification of biogenic material such as municipal  
 1 31 solid waste or animal waste, and that "plasma gasification"  
 1 32 means the thermal disintegration of carbonaceous material into  
 1 33 fragments of compounds in an oxygen=starved environment.

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**Senate Study Bill 1049**

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

**A BILL FOR**

1 An Act relating to the provision of telecommunications services  
2 to multiple-unit residential buildings or complexes.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1644XC (3) 84  
rn/nh



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1 1 Section 1. NEW SECTION. 477.15 Definitions.  
1 2 1. For purposes of this section, unless the context  
1 3 otherwise requires:  
1 4 a. "Manufactured home community" and "mobile home park" mean  
1 5 the same as defined in section 562B.7.  
1 6 b. "Multiple=unit residential building or complex" means  
1 7 a building or complex utilized for residential purposes and  
1 8 consisting of at least two or more individual dwelling units,  
1 9 or a manufactured home community or mobile home park, whether  
1 10 leased or owned.  
1 11 c. "Residential agent" means the property owner, manager,  
1 12 lessee, or other person in possession or control of a  
1 13 multiple=unit residential building or complex.  
1 14 d. "Telecommunications provider" means a person, firm, or  
1 15 corporation providing telecommunications service pursuant to a  
1 16 cable or video service franchise granted pursuant to chapter  
1 17 477A or chapter 364, a certificate of public convenience and  
1 18 necessity issued pursuant to section 476.29, or as authorized  
1 19 by a municipality which provides telecommunications service  
1 20 directly to its residents.  
1 21 e. "Telecommunications service" means the provision of  
1 22 cable service or video service as defined in section 477A.1,  
1 23 high=speed internet service, or telephone service whether by  
1 24 coaxial cable, fiber optic line, or copper telephone line.  
1 25 2. A residential agent of a multiple=unit residential  
1 26 building or complex located within the service area in which  
1 27 a telecommunications provider is authorized to provide  
1 28 telecommunications service shall be subject to the following:  
1 29 a. The residential agent shall not preclude or prevent  
1 30 an occupant, tenant, or lessee of the building or complex  
1 31 from receiving telecommunications service from a particular  
1 32 telecommunications provider or municipality, demand or  
1 33 accept payment from any occupant, tenant, or lessee in  
1 34 any form as a condition of permitting the installation of  
1 35 telecommunications service equipment or facilities or the



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2 1 maintenance of such equipment or facilities on the premises  
2 2 of the building or complex, or discriminate in rental charges  
2 3 or in any other manner against an occupant, tenant, or lessee  
2 4 receiving telecommunications services from a particular  
2 5 telecommunications provider or municipality.  
2 6     b. The residential agent shall not preclude or prevent a  
2 7 telecommunications provider from entering upon the premises of  
2 8 a multiple-unit residential building or complex for the purpose  
2 9 of or in connection with the construction or installation  
2 10 of telecommunications service equipment or facilities;  
2 11 or constructing or installing upon, beneath, or over the  
2 12 premises, including any buildings or other structures located  
2 13 thereon, hardware, cable, equipment, materials, or other  
2 14 telecommunications service equipment or facilities utilized  
2 15 by the telecommunications provider in the construction or  
2 16 installation of telecommunications service.  
2 17     3. A telecommunications provider shall not install  
2 18 telecommunications service equipment or facilities on the  
2 19 premises of a multiple-unit residential building or complex  
2 20 unless an occupant, tenant, or lessee of the building or  
2 21 complex requests the delivery of telecommunications service.  
2 22 In any instance in which a request for service is made, the  
2 23 telecommunications provider may install telecommunications  
2 24 service equipment or facilities throughout the building or  
2 25 complex in a manner which enables the telecommunications  
2 26 provider to provide telecommunications service to occupants,  
2 27 tenants, or lessees of other residential units within the  
2 28 building or complex without requiring the installation of  
2 29 additional equipment or facilities other than within the  
2 30 residential units occupied by such other occupants, tenants,  
2 31 or lessees.  
2 32     4. a. A telecommunications provider may remit reasonable  
2 33 compensation to a residential agent for marketing support or  
2 34 for a right of entry for the installation of telecommunications  
2 35 service equipment or facilities, or the provision of



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3 1 telecommunications service, as follows:

3 2 (1) Pursuant to a compensation agreement initiated by the  
3 3 telecommunications provider with a residential agent.

3 4 (2) At the written request of a residential agent received  
3 5 by a telecommunications provider within twenty days of the  
3 6 date on which the agent is notified of the telecommunications  
3 7 provider's intention to install telecommunications service  
3 8 equipment or facilities as provided in subsection 5. Unless  
3 9 such a request is received from the residential agent, it  
3 10 shall be conclusively presumed that the agent does not claim  
3 11 or intend to request or require reasonable compensation.  
3 12 The notice shall include the amount requested as reasonable  
3 13 compensation by the agent.

3 14 b. Compensation received pursuant to this subsection shall  
3 15 not confer an exclusive right of entry with respect to a  
3 16 particular telecommunications provider. If compensation is  
3 17 agreed to, no other payment or compensation shall be requested  
3 18 or received by the residential agent, unless damage is incurred  
3 19 during the course of the installation. A telecommunications  
3 20 provider shall agree to indemnify a residential agent for any  
3 21 damages caused by the installation, operation, or removal of  
3 22 telecommunications service equipment or facilities.

3 23 5. a. Prior to the installation of telecommunications  
3 24 service equipment or facilities, a telecommunications provider  
3 25 shall notify the residential agent in writing of the intent  
3 26 to proceed with installation. Notification shall include the  
3 27 address of the multiple-unit residential building or complex,  
3 28 the name of the telecommunications provider, the anticipated  
3 29 installation date, and either a proposed amount of reasonable  
3 30 compensation or contact information regarding the twenty-day  
3 31 time frame for compensation notification as provided in  
3 32 subsection 4.

3 33 b. In any instance in which a telecommunications provider  
3 34 intends to install telecommunications service equipment or  
3 35 facilities within or upon a multiple-unit residential building



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4 1 or complex containing twelve or more residential units,  
4 2 the written notice required pursuant to paragraph "a" shall  
4 3 further acknowledge that the residential agent may require  
4 4 the submission of written plans identifying the manner in  
4 5 which telecommunications equipment and facilities are to be  
4 6 installed, including the proposed location of coaxial cable,  
4 7 fiber optic cable, or copper wire. Approval of such plans  
4 8 by the residential agent, if required by the agent, shall  
4 9 not be unreasonably withheld and consent to and approval  
4 10 of such plans shall be presumed unless, within thirty days  
4 11 following receipt thereof, the residential agent identifies  
4 12 in writing the specific manner in which the plans deviate  
4 13 from generally accepted construction or safety standards and  
4 14 contemporaneously submits an alternative construction plan  
4 15 providing for the installation of telecommunications service  
4 16 equipment or facilities in an economically feasible manner.  
4 17 A telecommunications provider may proceed with the plan  
4 18 originally submitted if an alternative plan is not submitted  
4 19 within thirty days, or if the alternative plan fails to comply  
4 20 with generally accepted construction and safety standards or  
4 21 does not provide for the installation of telecommunications  
4 22 service equipment or facilities in an economically feasible  
4 23 manner.

4 24 6. a. A residential agent having provided timely written  
4 25 notice of a request for reasonable compensation pursuant to  
4 26 subsection 4, paragraph "a", subparagraph (2), may assert a  
4 27 claim for such compensation if the agent has not received the  
4 28 compensation within thirty days following receipt of the notice  
4 29 by the telecommunications provider, or the telecommunications  
4 30 provider has not agreed to pay the amount requested or an  
4 31 alternative amount acceptable to the agent within a mutually  
4 32 agreeable time frame. If compensation remains unpaid after  
4 33 sixty days following receipt of the notice, or within the time  
4 34 frame mutually agreed upon, the agent may bring suit to enforce  
4 35 the claim in any court of competent jurisdiction, and, in



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5 1 connection therewith, may require that the amount or reasonable  
5 2 compensation be determined by the court. Any such action shall  
5 3 be commenced within six months of receipt of the notice of a  
5 4 request for reasonable compensation.

5 5 b. In an action to determine the amount of reasonable  
5 6 compensation, the residential agent may submit evidence of  
5 7 a decrease in the fair market value of the multiple=unit  
5 8 residential building or complex occasioned by the installation  
5 9 of the telecommunications service equipment or facilities,  
5 10 that the agent has a specific alternative use for the space  
5 11 occupied by the telecommunications service equipment or  
5 12 facilities, the loss of which will result in a monetary loss  
5 13 to the owner, or that installation of the telecommunications  
5 14 service equipment or facilities substantially interferes  
5 15 with the use or occupancy of the building or complex. In  
5 16 determining reasonable compensation, the court shall not  
5 17 consider or include potential earnings by a residential agent  
5 18 were the agent to install or provide telecommunications service  
5 19 independently.

5 20 c. Neither the giving of a notice requesting reasonable  
5 21 compensation pursuant to subsection 4, paragraph "a",  
5 22 subparagraph (2), nor the assertion of a specific claim or  
5 23 initiation of a legal action to enforce such claim as provided  
5 24 in paragraphs "a" and "b" of this subsection shall delay or  
5 25 impair the right of a telecommunications provider to construct  
5 26 or install telecommunications service equipment or facilities  
5 27 or maintain telecommunications service with respect to a  
5 28 multiple=unit residential building or complex.

EXPLANATION

5 30 This bill concerns the installation of telecommunications  
5 31 service equipment and facilities, and the provision of  
5 32 telecommunications service, to multiple=unit residential  
5 33 buildings or complexes.

5 34 The bill provides several definitions. The bill defines  
5 35 a "multiple=unit residential building or complex" as a



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6 1 building or complex utilized for residential purposes and  
6 2 consisting of at least two or more individual dwelling  
6 3 units, or a manufactured home community or mobile home park,  
6 4 whether leased or owned. A "residential agent" is defined  
6 5 as the property owner, manager, lessee, or other person in  
6 6 possession or control of a building or complex. The bill  
6 7 defines a "telecommunications provider" as a person, firm, or  
6 8 corporation providing telecommunications service pursuant to  
6 9 a cable or video service franchise granted pursuant to Code  
6 10 chapter 364 or 477A, or pursuant to a certificate of public  
6 11 convenience and necessity issued pursuant to Code section  
6 12 476.29, or as authorized by a municipality which provides  
6 13 telecommunications service directly to its residents. The  
6 14 bill defines "telecommunications service" as the provision of  
6 15 cable service or video service, high-speed internet service, or  
6 16 telephone service.

6 17 The bill prohibits a residential agent of a multiple-unit  
6 18 residential building or complex from preventing or precluding  
6 19 an occupant, tenant, or lessee of the building or complex  
6 20 from receiving telecommunications service from a particular  
6 21 telecommunications provider or municipality, from demanding or  
6 22 accepting a payment from any occupant, tenant, or lessee as a  
6 23 condition of permitting the installation of telecommunications  
6 24 service equipment or facilities or the maintenance of such  
6 25 equipment or facilities on the premises of the building or  
6 26 complex, or from discriminating in rental charges or in any  
6 27 other manner against an occupant, tenant, or lessee receiving  
6 28 telecommunications services from a particular provider.  
6 29 Additionally, the bill prohibits an agent from precluding or  
6 30 preventing a provider from entering upon the premises of a  
6 31 building or complex for the purpose of or in connection with  
6 32 the construction or installation of telecommunications service  
6 33 equipment or facilities; or constructing or installing upon,  
6 34 beneath, or over the premises, including any buildings or  
6 35 other structures located thereon, hardware, cable, equipment,



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7 1 materials, or other telecommunications service equipment or  
7 2 facilities utilized by the provider in the construction or  
7 3 installation of telecommunications service.  
7 4     The bill states that an occupant, tenant, or lessee of the  
7 5 building or complex must request delivery of telecommunications  
7 6 service prior to an installation of telecommunications service  
7 7 equipment or facilities by a provider, and that if such  
7 8 a request is made, the provider may install equipment or  
7 9 facilities throughout the building or complex in a manner which  
7 10 enables the provider to provide telecommunications service to  
7 11 additional occupants, tenants, or lessees.  
7 12     The bill authorizes the payment of reasonable compensation  
7 13 for marketing support or for a right of entry for the  
7 14 installation of telecommunications service equipment or  
7 15 facilities or the provision of telecommunications service by  
7 16 a provider to an agent, either when initiated by the provider  
7 17 or upon receipt of a written request from the agent. In the  
7 18 latter case, the bill requires the request to be received by  
7 19 the provider within 20 days from the date of notification  
7 20 by the provider to the agent of an intent to install  
7 21 telecommunications service equipment or facilities. The bill  
7 22 provides that absent such a request, it will be presumed that  
7 23 the agent does not intend to request or require reasonable  
7 24 compensation. The bill clarifies that any compensation  
7 25 received shall not confer an exclusive right of entry with  
7 26 respect to a particular telecommunications provider, that no  
7 27 other payment or compensation shall be requested or received  
7 28 by the residential agent unless damage is incurred during  
7 29 the course of the installation, and that the provider shall  
7 30 agree to indemnify an agent for any damages caused by the  
7 31 installation, operation, or removal of telecommunications  
7 32 service equipment or facilities.  
7 33     With regard to the required notification of an intent to  
7 34 install, the bill provides that the notification shall be  
7 35 in writing and shall include the address of the building or



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8 1 complex, the name of the provider, the anticipated installation  
8 2 date, and either a proposed amount of reasonable compensation  
8 3 or contact information regarding the 20-day time frame for  
8 4 requesting compensation. If the installation involves a  
8 5 building or complex containing 12 or more residential units,  
8 6 the bill states that the notice shall acknowledge that the  
8 7 agent may require the submission of written plans identifying  
8 8 the manner in which telecommunications equipment and facilities  
8 9 are to be installed. The bill states that approval of such  
8 10 plans by the agent, if required, shall not be unreasonably  
8 11 withheld and consent to and approval of such plans shall be  
8 12 presumed unless, within 30 days following receipt of the  
8 13 plans, the agent identifies in writing the specific manner in  
8 14 which they deviate from generally accepted construction or  
8 15 safety standards, and unless an alternative plan providing  
8 16 for the installation of telecommunications facilities in an  
8 17 economically feasible manner is submitted by the agent. The  
8 18 bill authorizes a provider to proceed with the plan originally  
8 19 submitted if an alternative plan is not submitted within 30  
8 20 days, or if the alternative plan fails to comply with generally  
8 21 accepted construction and safety standards or does not provide  
8 22 for the installation of telecommunications service equipment or  
8 23 facilities in an economically feasible manner.

8 24 The bill permits an agent to assert a claim for reasonable  
8 25 compensation if the agent has not received compensation  
8 26 within 30 days following receipt by a provider of a request  
8 27 from an agent, or if the provider has not agreed to pay the  
8 28 amount requested or an alternative amount acceptable to the  
8 29 agent within a mutually agreeable time frame. In the event  
8 30 compensation remains unpaid after 60 days following receipt of  
8 31 the request, or within the time frame mutually agreed upon, the  
8 32 bill authorizes an agent to bring suit to enforce the claim  
8 33 in any court of competent jurisdiction, and to require that  
8 34 the amount of reasonable compensation be determined by the  
8 35 court. The bill specifies that such an action must be brought



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9 1 within six months of receipt of the notice of a request for  
9 2 reasonable compensation. The bill provides that in an action  
9 3 to determine the amount of reasonable compensation, the agent  
9 4 may submit evidence of a decrease in the fair market value  
9 5 caused by the installation of the telecommunications service  
9 6 equipment or facilities, or that the agent has a specific  
9 7 alternative use for the space occupied by the equipment or  
9 8 facilities, the loss of which will result in a monetary loss to  
9 9 the owner, or that installation of the equipment or facilities  
9 10 substantially interferes with the use and occupancy of the  
9 11 building or complex. In determining reasonable compensation,  
9 12 a court is directed not to consider or include potential  
9 13 earnings by an agent in the event the agent installed or  
9 14 provided telecommunications service independently. The bill  
9 15 states that providing notice requesting reasonable compensation  
9 16 or asserting a claim or initiating an action shall not delay  
9 17 or impair the right of a provider to construct or install  
9 18 telecommunications service equipment or facilities or maintain  
9 19 telecommunications service.

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