



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 03, 2011

House File 190 - Introduced

HOUSE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 58)

A BILL FOR

1 An Act relating to the appointment of a district associate
2 judge.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1072HV (1) 84
jm/nh



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1 1 Section 1. Section 602.6305, subsections 2 and 3, Code 2011,
1 2 are amended to read as follows:

1 3 2. A person does not qualify for appointment to the office
1 4 of district associate judge unless the person is at the time of
1 5 appointment a resident of the ~~county~~ judicial election district
1 6 in which the vacancy exists, licensed to practice law in Iowa,
1 7 and will be able, measured by the person's age at the time of
1 8 appointment, to complete the initial term of office prior to
1 9 reaching age seventy=two. An applicant for district associate
1 10 judge shall file a certified application form, to be provided
1 11 by the supreme court, with the chairperson of the county
1 12 magistrate appointing commission.

1 13 3. A district associate judge must be a resident of a ~~county~~
~~1 14~~ the judicial election district in which the office is held
1 15 during the entire term of office. A district associate judge
1 16 shall serve within the judicial district in which appointed,
1 17 as directed by the chief judge, and is subject to reassignment
1 18 under section 602.6108.

EXPLANATION

1 19 This bill relates to the appointment of a district associate
1 20 judge.

1 21 The amendments to Code section 602.6305 allow a district
1 22 associate judge to reside in the judicial election district
1 23 at the time of appointment and throughout the entire term of
1 24 office. Currently, a district associate judge is required to
1 25 reside in the county where the vacancy exists at the time of
1 26 appointment and throughout the entire term of office.

LSB 1072HV (1) 84

jm/nh



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House File 191 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act relating to due process requirements associated with
2 child abuse assessments performed by the department of human
3 services and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1759HH (2) 84
jp/nh



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1 1 Section 1. Section 232.71B, subsection 4, paragraph e, Code
1 2 2011, is amended to read as follows:

1 3 e. (1) An interview of the person alleged to have committed
1 4 the child abuse, if the person's identity and location are
1 5 known. The offer of an interview shall be made to the person
1 6 prior to any consideration or determination being made that
1 7 the person committed the alleged abuse. The person shall be
1 8 informed of the complaint or allegation made regarding the
1 9 person. The person shall be informed in a manner that protects
1 10 the confidentiality rights of the individual who reported the
1 11 child abuse or provided information as part of the assessment
1 12 process. The purpose of the interview shall be to provide the
1 13 person with the opportunity to explain or rebut the allegations
1 14 of the child abuse report or other allegations made during
1 15 the assessment. The court may waive the requirement to offer
1 16 the interview only for good cause. The person offered an
1 17 interview, or the person's attorney on the person's behalf, may
1 18 decline the offer of an interview of the person or terminate an
1 19 interview at any time.

1 20 (2) Prior to conducting the interview, the child protection
1 21 worker shall provide written notification to the person that
1 22 the person is being interviewed for having been alleged to
1 23 have committed child abuse including notification of the
1 24 nature of the child abuse being assessed, the possible civil
1 25 administrative consequences of founded abuse, the requirement
1 26 that the department forward a report to law enforcement if the
1 27 department's assessment reveals a potential criminal offense,
1 28 and that the person has the right to retain legal counsel at
1 29 the person's expense. If the alleged child abuse is related
1 30 to the person's employment, the person may choose to have
1 31 legal counsel, union representation, or any other desired
1 32 representative of the person or the person's employer present
1 33 during the interview. The person alleged to have committed the
1 34 child abuse shall inform the child protection worker of the
1 35 representatives desired to be present during the interview and



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2 1 not delay the interview by more than five working days to make
2 2 arrangements for the person's representatives to be present at
2 3 the interview. Any employer representative shall be informed
2 4 of the requirement to maintain strict confidentiality and of
2 5 the prohibition against redissemination of such information
2 6 pursuant to chapter 235A.
2 7 (3) At the interview, the child protection worker shall
2 8 request and the person alleged to have committed the child
2 9 abuse shall provide the person's most current contact
2 10 information to facilitate provision of the results of the
2 11 assessment to the person.
2 12 Sec. 2. Section 232.71B, subsection 6, Code 2011, is amended
2 13 to read as follows:
2 14 6. Facility, ~~or~~ school, or program visit.
2 15 a. The assessment may include a visit to a facility or
2 16 program providing care to the child named in the report or to
2 17 any public or private school subject to the authority of the
2 18 department of education where the child named in the report
2 19 is located. The administrator of a facility or program, or
2 20 a public or private school shall cooperate with the child
2 21 protection worker by providing confidential access to the child
2 22 named in the report for the purpose of interviewing the child,
2 23 and shall allow the child protection worker confidential access
2 24 to other children for the purpose of conducting interviews in
2 25 order to obtain relevant information. The child protection
2 26 worker may observe a child named in a report in accordance with
2 27 the provisions of section 232.68, subsection 3, paragraph "b".
2 28 A witness shall be present during an observation of a child.
2 29 Any child aged ten years of age or older can terminate contact
2 30 with the child protection worker by stating or indicating
2 31 the child's wish to discontinue the contact. The immunity
2 32 granted by section 232.73 applies to acts or omissions in good
2 33 faith of administrators and their facilities, programs, or
2 34 school districts for cooperating in an assessment and allowing
2 35 confidential access to a child.



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3 1 b. If the person alleged to have committed the child
3 2 abuse is employed by a facility, program, or school and the
3 3 child protection worker believes the situation involves an
3 4 immediate danger to the public health, safety, or welfare
3 5 requiring immediate agency action to seek emergency placement
3 6 on the central registry, the department may utilize emergency
3 7 adjudicative proceedings pursuant to section 17A.18A.
3 8 c. A child protection worker may enter any facility,
3 9 program, or school without a warrant and may examine all
3 10 records pertaining to children who attend, employees, former
3 11 employees, and the person alleged to have committed the child
3 12 abuse.
3 13 d. Independent of the department's assessment, the facility,
3 14 program, or school employing the person alleged to have
3 15 committed the child abuse shall conduct an investigation of
3 16 the alleged child abuse and determine what, if any, employment
3 17 action should be taken including but not limited to placing the
3 18 person on administrative leave or reassigning or terminating
3 19 the person as a result of the investigation by the facility,
3 20 program, or school. If the facility, program, or school
3 21 terminates the person as a result of the investigation by
3 22 the facility, program, or school or the person resigns, the
3 23 person shall disclose such termination or investigation to any
3 24 prospective facility, program, or school employer. Such a
3 25 person who fails to disclose such termination or investigation
3 26 commits a simple misdemeanor.
3 27 Sec. 3. Section 232.71B, subsection 12, paragraph g, Code
3 28 2011, is amended to read as follows:
3 29 g. (1) The department shall notify each subject of
3 30 the child abuse report, as identified in section 235A.15,
3 31 subsection 2, paragraph "a", of the results of the assessment,
3 32 of the subject's right, pursuant to section 235A.19, to
3 33 correct the report data or disposition data which refers to the
3 34 subject, and of the procedures to correct the data. The notice
3 35 shall also detail the consequences of placement of the person's



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4 1 name on the central child abuse registry.

4 2 (2) If the alleged child abuse is employment-related, the
4 3 department shall also notify the employer of the results of the
4 4 assessment.

4 5 Sec. 4. Section 235A.19, subsection 2, paragraph a, Code
4 6 2011, is amended to read as follows:

4 7 a. (1) A subject of a child abuse report may file with the
4 8 department within six months of the date of the notice of the
4 9 results of an assessment performed in accordance with section
4 10 232.71B, a written statement to the effect that report data and
4 11 disposition data referring to the subject is in whole or in
4 12 part erroneous, and may request a correction of that data or of
4 13 the findings of the assessment report. The department shall
4 14 provide the subject with an opportunity for an ~~evidentiary~~ a
4 15 contested case hearing pursuant to chapter 17A to correct the
4 16 data or the findings, unless the department corrects the data
4 17 or findings as requested. The department may defer the hearing
4 18 until the conclusion of a pending juvenile or district court
4 19 case relating to the data or findings.

4 20 (2) In lieu of filing under subparagraph (1), if the subject
4 21 of a child abuse report files such a request for correction
4 22 of report data and disposition data or of the findings of the
4 23 assessment report within fifteen days of the date of the notice
4 24 of the results of an assessment, the department shall not place
4 25 child abuse information referring to the subject on the central
4 26 abuse registry until final agency action is taken. A contested
4 27 case hearing on the request shall be held within sixty days of
4 28 the request. The subject may extend the hearing timeframe by
4 29 thirty days one time. Additional requests for an extension
4 30 must be agreed upon by all parties or necessitated by good
4 31 cause. The administrative law judge's proposed decision shall
4 32 be issued within thirty days of the contested case hearing.
4 33 If further review of the decision is not requested before the
4 34 proposed decision becomes final, the proposed decision shall be
4 35 deemed final agency action. If further review is requested,



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5 1 the department's final agency action shall occur within thirty
5 2 days of the issuance of the administrative law judge's proposed
5 3 decision. Upon final agency action, further appeal rights
5 4 shall be governed by subsection 3.

5 5 Sec. 5. Section 235A.19, subsection 3, Code 2011, is amended
5 6 to read as follows:

5 7 3. The subject of a child abuse report may appeal the
5 8 final agency decision resulting from a hearing held pursuant
5 9 to subsection 2 to the district court of Polk county or to the
5 10 district court of the district in which the subject of the
5 11 child abuse report resides. Immediately upon appeal the court
5 12 shall order the department to file with the court a certified
5 13 copy of the report data or disposition data. Appeal shall be
5 14 taken in accordance with chapter 17A.

5 15 EXPLANATION

5 16 This bill relates to due process requirements associated
5 17 with child abuse assessments performed by the department of
5 18 human services.

5 19 Code section 232.71B, relating to assessments performed
5 20 by the department in response to a report of child abuse,
5 21 is amended in several ways. Existing requirements for an
5 22 interview of a person alleged to have committed the child
5 23 abuse are expanded to allow the subject to terminate an
5 24 interview at any time, to require written notification of the
5 25 person providing information about the process, procedural
5 26 protections, potential effects of a child abuse finding, and to
5 27 allow representatives of the person or the person's employer
5 28 to be present at the interview. The child protection worker
5 29 is required to request and the person to provide contact
5 30 information.

5 31 Existing requirements for a child protection worker's visit
5 32 to a facility providing care to the child named in the report
5 33 are expanded to include a program providing the care. If the
5 34 person alleged to have committed the child abuse is employed by
5 35 a facility, program, or school and the child protection worker



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6 1 believes the situation involves an immediate danger to the
6 2 public health, safety, or welfare requiring immediate placement
6 3 on the child abuse registry, the department may utilize an
6 4 emergency adjudicative proceeding pursuant to section 17A.18A.
6 5 A child protection worker may enter any facility, program,
6 6 or school without a warrant and examine all records pertaining
6 7 to children who attend, employees, former employees, and the
6 8 person alleged to have committed the child abuse.
6 9 Independent of the department's assessment, the facility,
6 10 program, or school employing the person alleged to have
6 11 committed the child abuse is required to conduct an
6 12 investigation of the alleged child abuse and determine what,
6 13 if any, employment action should be taken including but not
6 14 limited to placing the person on administrative leave or
6 15 reassigning or terminating the person as a result of the
6 16 investigation. If the facility, program, or school terminates
6 17 the person or the person resigns, the person is required to
6 18 disclose such termination or investigation to any prospective
6 19 facility, program, or school employer. A person who fails to
6 20 disclose such termination or investigation commits a simple
6 21 misdemeanor. A simple misdemeanor is punishable by confinement
6 22 for no more than 30 days or a fine of at least \$65 but not more
6 23 than \$625 or by both.
6 24 The requirements of the department to notify subjects of
6 25 a child abuse report (these persons or their attorneys: the
6 26 child, the child's parent, guardian, or legal custodian, and
6 27 the person named in a report as having abused a child) in Code
6 28 section 232.71B are expanded to also include the employer if
6 29 the abuse is employment-related.
6 30 Code section 235A.19, relating to requests for correction
6 31 or expungement and appeals of child abuse findings or data, is
6 32 amended to allow the subject of a child abuse report to file
6 33 an expedited request. The procedure in current law requires
6 34 the request to be filed within six months of the issuance date
6 35 of the notice of assessment results. The expedited process in



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7 1 the bill can be used in lieu of the procedure under current law
7 2 and the request must be filed within 15 days of the notice.
7 3 The request is considered in a contested case hearing which
7 4 must be held within 60 days and the department is prohibited
7 5 from placing the child abuse information on the registry until
7 6 the final agency action concerning the hearing decision. The
7 7 hearing timeframe can be extended 30 days by the subject
7 8 one time. Other extensions must be by mutual agreement or
7 9 necessitated by good cause. The administrative law judge's
7 10 proposed decision is required within 30 days of the hearing and
7 11 if further review of that decision is requested, the agency
7 12 decision is required within 30 days of the proposed decision.
7 13 Current law in section 235A.19, subsection 3, authorizes an
7 14 appeal of the decision from a hearing to the district court.
7 15 This provision is amended to also reference the bill's new
7 16 expedited process.

LSB 1759HH (2) 84

jp/nh



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House File 192 - Introduced

HOUSE FILE
BY WINDSCHITL and ALONS

A BILL FOR

1 An Act relating to the protocol for a medical abortion, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1169YH (4) 84
pf/nh



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1 1 Section 1. NEW SECTION. 146A.1 Medical abortions ====
1 2 restrictions ==== protocol ==== penalties.
1 3 1. A person shall not knowingly give, sell, dispense,
1 4 administer, otherwise provide, or prescribe any medication to
1 5 another person for the purpose of inducing a medical abortion
1 6 in the person or enabling the other person to induce a medical
1 7 abortion in another person, unless the person who gives, sells,
1 8 dispenses, administers, or otherwise provides or prescribes the
1 9 medication meets all of the following requirements:
1 10 a. Is a licensed physician.
1 11 b. The physician satisfies all the criteria established by
1 12 federal law that a physician must satisfy in order to provide
1 13 such medication for inducing medical abortions.
1 14 c. The physician provides the medication to the other person
1 15 for the purpose of inducing a medical abortion in accordance
1 16 with all provisions of federal law that govern the use of such
1 17 medication for inducing medical abortions.
1 18 2. A person who gives, sells, dispenses, administers,
1 19 otherwise provides, or prescribes medication to another person
1 20 as described in subsection 1 shall not be prosecuted based on
1 21 a violation of the criteria contained in this section unless
1 22 the person knows that the person is not a licensed physician,
1 23 that the person did not satisfy all the specified criteria
1 24 established by federal law, or that the person did not provide
1 25 the medication in accordance with the specified provisions of
1 26 federal law, whichever is applicable.
1 27 3. A physician who provides medication to another for
1 28 the purpose of inducing a medical abortion as authorized
1 29 under subsection 1 shall not knowingly fail to comply with
1 30 the applicable requirements of any federal law that pertain
1 31 to follow-up examinations or care for persons to whom or for
1 32 whom such medication is provided for the purpose of inducing a
1 33 medical abortion.
1 34 4. a. If a physician provides medication to another person
1 35 for the purpose of inducing a medical abortion as authorized



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2 1 under subsection 1, and the physician knows that the person
2 2 who uses the medication for the purpose of inducing a medical
2 3 abortion experiences during or after the use an incomplete
2 4 abortion, severe bleeding, or an adverse reaction to the
2 5 medication, or is hospitalized, receives a transfusion, or
2 6 experiences any other serious event, the physician shall
2 7 provide a written report of the incomplete abortion, severe
2 8 bleeding, adverse reaction, hospitalization, transfusion, or
2 9 serious event to the department. The department shall compile
2 10 and retain all reports the department receives under this
2 11 section. Except as otherwise provided in this section, all
2 12 reports the department receives under this section are public
2 13 records. However, the department shall not release to any
2 14 person the name or any other personal identifying information
2 15 regarding a person who uses medication for the purpose of
2 16 inducing a medical abortion and who is the subject of a report
2 17 the department receives under this section.

2 18 b. A physician who provides medication to another for the
2 19 purpose of inducing a medical abortion as authorized under
2 20 subsection 1 shall not knowingly fail to file a report required
2 21 under paragraph "a".

2 22 5. A physician shall only diagnose and prescribe a medical
2 23 abortion in person, and shall not utilize other means, such as
2 24 an internet web camera, to do so.

2 25 6. A physician shall not give, sell, dispense, administer,
2 26 otherwise provide, or prescribe a medication for the purpose of
2 27 inducing a medical abortion for a minor without first complying
2 28 with chapter 135L.

2 29 7. If a physician prescribes medication to induce a medical
2 30 abortion after the gestational limit of forty=nine days
2 31 recommended by the United States food and drug administration,
2 32 the physician shall ensure that the woman has access to
2 33 emergency care that is available twenty=four hours per day,
2 34 seven days per week, and shall report any emergency care
2 35 provided from complications arising from such prescription to



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3 1 the department.

3 2 8. a. A person who violates this section is guilty of a
3 3 class "D" felony.

3 4 b. If a person who violates this section is professionally
3 5 licensed in this state, in addition to any other sanction
3 6 imposed by law for the offense, the person is subject to
3 7 sanctioning as provided by law by the regulatory or licensing
3 8 board or agency that has the administrative authority to
3 9 suspend or revoke the person's professional license.

3 10 9. As used in this section, unless the context otherwise
3 11 requires:

3 12 a. "Department" means the department of public health.

3 13 b. "Federal law" means any law, rule, or regulation of the
3 14 United States or any drug approval letter of the food and drug
3 15 administration of the United States that governs or regulates
3 16 the use of mifepristone for the purpose of inducing abortions.

3 17 c. "Medical abortion" means the use of a medication
3 18 including but not limited to mifepristone or ulipristal acetate
3 19 to terminate a pregnancy.

3 20 d. "Minor" means a person under eighteen years of age who
3 21 has not been and is not married.

3 22 EXPLANATION

3 23 This bill provides the protocol related to a medical
3 24 abortion.

3 25 The bill prohibits a person from knowingly giving, selling,
3 26 dispensing, administering, or otherwise providing, or
3 27 prescribing a medication to another person for the purpose
3 28 of inducing a medical abortion in the person or enabling the
3 29 other person to induce a medical abortion in another person,
3 30 unless the person who gives, sells, dispenses, administers,
3 31 or otherwise provides or prescribes such medication meets
3 32 all of the following requirements: is a licensed physician;
3 33 satisfies all the criteria established by federal law that
3 34 a physician must satisfy in order to provide the medication
3 35 to induce the medical abortion; and provides the medication



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4 1 to the other person for the purpose of inducing an abortion
4 2 in accordance with all provisions of federal law that govern
4 3 the use of medication to induce a medical abortion. However,
4 4 the bill provides that a person who gives, sells, dispenses,
4 5 administers, otherwise provides, or prescribes medication to
4 6 another person shall not be prosecuted based on a violation of
4 7 the criteria specified unless the person knows that the person
4 8 is not a licensed physician, that the person did not satisfy
4 9 all the specified criteria established by federal law, or
4 10 that the person did not provide the medication in accordance
4 11 with the specified provisions of federal law, whichever is
4 12 applicable. The bill also provides that a physician who
4 13 provides medication to another for the purpose of inducing
4 14 a medical abortion shall not knowingly fail to comply with
4 15 the applicable requirements of any federal law that pertain
4 16 to follow-up examinations or care for persons to whom or for
4 17 whom such medication is provided for the purpose of inducing a
4 18 medical abortion.

4 19 If a physician provides medication to induce a medical
4 20 abortion, and if the physician knows that the person who uses
4 21 the medication for the purpose of inducing a medical abortion
4 22 experiences during or after the use an incomplete abortion,
4 23 severe bleeding, or an adverse reaction to the medication or is
4 24 hospitalized, receives a transfusion, or experiences any other
4 25 serious event, the physician is required to provide a written
4 26 report of such result to the department of public health.
4 27 The department is directed to compile and retain all reports
4 28 the department receives, and such reports, unless otherwise
4 29 provided, are public records. However, the department is
4 30 prohibited from releasing the name or any other personal
4 31 identifying information regarding a person who uses medication
4 32 for the purpose of inducing a medical abortion and who is the
4 33 subject of a report the department receives. A physician who
4 34 provides medication to another for the purpose of inducing a
4 35 medical abortion is prohibited from knowingly failing to file



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5 1 such a report.

5 2 The bill requires that a physician prescribe a medical
5 3 abortion only in person, and not utilize other means, such
5 4 as an internet web camera, to do so. The bill prohibits a
5 5 physician from giving, selling, dispensing, administering,
5 6 otherwise providing, or prescribing medication to induce a
5 7 medical abortion for a minor without first complying with Code
5 8 chapter 135L (notification requirements regarding pregnant
5 9 minors). Additionally, if a physician prescribes medication to
5 10 induce a medical abortion after the United States food and drug
5 11 administration recommended 49 days of pregnancy, the physician
5 12 shall ensure that the woman has access to emergency care that
5 13 is available 24 hours per day, seven days per week, and shall
5 14 report any emergency care provided from complications arising
5 15 from such prescription to the department.

5 16 A person who violates a provision of the bill is guilty
5 17 of a class "D" felony. A class "D" felony is punishable by
5 18 confinement for no more than five years and a fine of at least
5 19 \$750 but not more than \$7,500. Additionally, if a person
5 20 who violates the provisions of the bill is professionally
5 21 licensed, the person is subject to sanctioning as provided by
5 22 law by the regulatory or licensing board or agency that has
5 23 the administrative authority to suspend or revoke the person's
5 24 professional license.

LSB 1169YH (4) 84

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HOUSE FILE
BY KAUFMANN, SWAIM,
THOMAS, ARNOLD,
TJEPKES, and HANSON

A BILL FOR

1 An Act relating to the protection and care of pioneer
2 cemeteries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1608YH (7) 84
av/sc



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1 1 Section 1. Section 523I.316, Code 2011, is amended to read
1 2 as follows:
1 3 523I.316 Protection of cemeteries, pioneer cemeteries, and
1 4 burial sites.
1 5 1. Existence of cemetery, pioneer cemetery, or burial site
1 6 ==== notification. If a governmental subdivision is notified of
1 7 the existence of a cemetery, a pioneer cemetery, or a marked
1 8 burial site that is not located in a dedicated cemetery, within
1 9 its jurisdiction and the cemetery, pioneer cemetery, or burial
1 10 site is not otherwise provided for under this chapter, the
1 11 governmental subdivision shall, as soon as is practicable,
1 12 notify the owner of the land upon which the cemetery, pioneer
1 13 cemetery, or burial site is located of the cemetery's, pioneer
1 14 cemetery's, or burial site's existence and location. The
1 15 notification shall include an explanation of the provisions of
1 16 this section. If there is a basis to believe that interment
1 17 may have occurred more than one hundred fifty years earlier,
1 18 the governmental subdivision shall also notify the state
1 19 archaeologist.
1 20 2. Disturbance of interment spaces ==== penalty. A person who
1 21 knowingly and without authorization damages, defaces, destroys,
1 22 or otherwise disturbs an interment space commits criminal
1 23 mischief in the third degree. Criminal mischief in the third
1 24 degree is an aggravated misdemeanor.
1 25 3. Duty to preserve and protect.
1 26 a. A governmental subdivision having a cemetery, pioneer
1 27 cemetery, or a burial site that is not located within a
1 28 dedicated cemetery, within its jurisdiction, for which
1 29 preservation is not otherwise provided, shall preserve and
1 30 protect the cemetery, pioneer cemetery, or burial site as
1 31 necessary to restore or maintain its physical integrity as a
1 32 cemetery, pioneer cemetery, or burial site. The governmental
1 33 subdivision may enter into a written agreement to delegate
1 34 the responsibility for the preservation and protection of
1 35 the cemetery, pioneer cemetery, or burial site to the owner



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2 1 of the property on which the cemetery, pioneer cemetery, or
2 2 burial site is located or to a public or private organization
2 3 interested in historical preservation. The governmental
2 4 subdivision shall not enter into an agreement with a public
2 5 or private organization to preserve and protect the cemetery,
2 6 pioneer cemetery, or burial site unless the property owner has
2 7 been offered the opportunity to enter into such an agreement
2 8 and has declined to do so.

2 9 b. A governmental subdivision is authorized to expend public
2 10 funds, in any manner authorized by law, in connection with such
2 11 a cemetery, pioneer cemetery, or burial site.

2 12 c. If a governmental subdivision proposes to enter into an
2 13 agreement with a public or private organization pursuant to
2 14 this subsection to preserve and protect a cemetery, pioneer
2 15 cemetery, or burial site that is located on property owned by
2 16 another person within the jurisdiction of the governmental
2 17 subdivision, the proposed agreement shall be written, and
2 18 the governmental subdivision shall provide written notice by
2 19 ordinary mail of the proposed agreement to the property owner
2 20 at least fourteen days prior to the date of the meeting at
2 21 which such proposed agreement will be authorized. The notice
2 22 shall include the location of the cemetery, pioneer cemetery,
2 23 or burial site and a copy of the proposed agreement, and
2 24 explain that the property owner is required to permit members
2 25 of the public or private organization reasonable ingress
2 26 and egress for the purposes of preserving and protecting
2 27 the cemetery, pioneer cemetery, or burial site pursuant to
2 28 the proposed agreement. The notice shall also include the
2 29 date, time, and place of the meeting and a statement that the
2 30 property owner has a right to attend the meeting and to comment
2 31 regarding the proposed agreement.

2 32 d. (1) Subject to chapter 670, a governmental subdivision
2 33 that enters into an agreement with a public or private
2 34 organization pursuant to this subsection is liable for any
2 35 personal injury or property damage that occurs in connection



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3 1 with the preservation or protection of the cemetery, pioneer
3 2 cemetery, or burial site or access to the cemetery, pioneer
3 3 cemetery, or burial site by the governmental subdivision or the
3 4 public or private organization.

3 5 (2) For the purposes of this paragraph "d", "liable" means
3 6 liability for every civil wrong which results in wrongful
3 7 death or injury to a person or injury to property or injury to
3 8 personal or property rights and includes but is not restricted
3 9 to actions based upon negligence; error or omission; nuisance;
3 10 breach of duty, whether statutory or other duty; or denial or
3 11 impairment of any right under any constitutional provision,
3 12 statute, or rule of law.

3 13 e. A property owner who is required to permit members of a
3 14 public or private organization reasonable ingress and egress
3 15 for the purpose of preserving or protecting a cemetery, pioneer
3 16 cemetery, or burial site on that owner's property and who acts
3 17 in good faith and in a reasonable manner pursuant to this
3 18 subsection is not liable for any personal injury or property
3 19 damage that occurs in connection with the preservation or
3 20 protection of the cemetery, pioneer cemetery, or burial site or
3 21 access to the cemetery, pioneer cemetery, or burial site.

3 22 f. For the purposes of this subsection, reasonable ingress
3 23 and egress to a cemetery, pioneer cemetery, or burial site
3 24 shall include the following:

3 25 (1) A member of a public or private organization that
3 26 has entered into a written agreement with the governmental
3 27 subdivision who desires to visit such a cemetery, pioneer
3 28 cemetery, or burial site shall give the property owner at least
3 29 ten days' written notice of the intended visit.

3 30 (2) If the property owner cannot provide reasonable access
3 31 to the cemetery, pioneer cemetery, or burial site on the
3 32 desired date, the property owner shall provide reasonable
3 33 alternative dates when the property owner can provide access
3 34 to the member.

3 35 (3) A property owner is not required to make any



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4 1 improvements to that person's property to satisfy the
4 2 requirement to provide reasonable access to a cemetery, pioneer
4 3 cemetery, or burial site pursuant to this subsection.

4 4 4. Confiscation and return of memorials. A law
4 5 enforcement officer having reason to believe that a
4 6 memorial or memorialization is in the possession of a person
4 7 without authorization or right to possess the memorial
4 8 or memorialization may take possession of the memorial or
4 9 memorialization from that person and turn it over to the
4 10 officer's law enforcement agency. If a law enforcement agency
4 11 determines that a memorial or memorialization the agency has
4 12 taken possession of rightfully belongs on an interment space,
4 13 the agency shall return the memorial or memorialization to the
4 14 interment space, or make arrangements with the person having
4 15 jurisdiction over the interment space for its return.

4 16 5. Burial sites located on private property. If a person
4 17 notifies a governmental subdivision that a burial site of the
4 18 person's relative is located on property owned by another
4 19 person within the jurisdiction of the governmental subdivision,
4 20 the governmental subdivision shall notify the property owner
4 21 of the location of the burial site and that the property owner
4 22 is required to permit the person reasonable ingress and egress
4 23 for the purposes of visiting the burial site of the person's
4 24 relative.

4 25 6. Pioneer cemeteries located on private property. If a
4 26 person notifies a governmental subdivision that the person's
4 27 relative is interred in a pioneer cemetery on property owned
4 28 by another person within the jurisdiction of the governmental
4 29 subdivision, the governmental subdivision shall notify the
4 30 property owner of the location of the pioneer cemetery and that
4 31 the property owner is required to permit the person reasonable
4 32 ingress and egress for the purposes of visiting the burial site
4 33 of the person's relative.

4 34 ~~6.~~ 7. Discovery of human remains. Any person discovering
4 35 human remains shall notify the county or state medical examiner



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5 1 or a city, county, or state law enforcement agency as soon as
5 2 is reasonably possible unless the person knows or has good
5 3 reason to believe that such notice has already been given or
5 4 the discovery occurs in a cemetery. If there is reason to
5 5 believe that interment may have occurred more than one hundred
5 6 fifty years earlier, the governmental subdivision notified
5 7 shall also notify the state archaeologist. A person who does
5 8 not provide notice required pursuant to this subsection commits
5 9 a serious misdemeanor.

5 10 ~~7.~~ 8. Adverse possession. A cemetery or a pioneer cemetery
5 11 is exempt from seizure, appropriation, or acquisition of title
5 12 under any claim of adverse possession, unless it is shown that
5 13 all remains in the cemetery or pioneer cemetery have been
5 14 disinterred and removed to another location.

5 15 Sec. 2. Section 523I.317, Code 2011, is amended to read as
5 16 follows:

5 17 523I.317 Duty to provide public access.

5 18 A cemetery or pioneer cemetery shall provide or permit
5 19 public access to the cemetery or pioneer cemetery, at
5 20 reasonable times and subject to reasonable regulations, so that
5 21 owners of interment rights and other members of the public
5 22 have reasonable ingress and egress to the cemetery or pioneer
5 23 cemetery.

5 24 Sec. 3. Section 523I.401, Code 2011, is amended to read as
5 25 follows:

5 26 523I.401 Neglected cemeteries and pioneer cemeteries.

5 27 The commissioner shall create a form that interested persons
5 28 may use to report neglected cemeteries and pioneer cemeteries
5 29 to the commissioner. The commissioner shall catalog and review
5 30 the neglected cemetery and pioneer cemetery reports received
5 31 on or before December 31, ~~2007~~ 2011, conduct site visits as
5 32 warranted to determine the nature or extent of any neglect, and
5 33 publish a report of findings on or before December 31, ~~2008~~
~~5 34~~ 2012.

5 35 Sec. 4. Section 523I.402, Code 2011, is amended to read as



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6 1 follows:

6 2 523I.402 Removal of remains.

6 3 1. Upon a showing of good cause, a county cemetery
6 4 commission may file suit in the district court in that county
6 5 to have remains interred in a cemetery or pioneer cemetery
6 6 owned and operated by the commission removed to another
6 7 cemetery. All persons in interest, known or unknown, other
6 8 than the plaintiffs, shall be made defendants to the suit. If
6 9 any parties are unknown, notice may be given by publication.
6 10 After hearing and a showing of good cause for the removal, the
6 11 court may order the removal of the remains and the remains
6 12 shall be properly interred in another cemetery, at the expense
6 13 of the county. The removal and reinterment of the remains
6 14 shall be done pursuant to a disinterment permit issued under
6 15 section 144.34 with due care and decency. In deciding whether
6 16 to order the removal of interred remains, a court shall
6 17 consider present or future access to the cemetery or pioneer
6 18 cemetery, the historical significance of the cemetery or
6 19 pioneer cemetery, and the wishes of the parties concerned
6 20 if they are brought to the court's attention, including the
6 21 desire of any beneficiaries to reserve their rights to waive a
6 22 reservation of rights in favor of removal, and shall exercise
6 23 the court's sound discretion in granting or refusing the
6 24 removal of interred remains.

6 25 2. Any heir at law or descendent of a deceased person
6 26 interred in a neglected cemetery or pioneer cemetery may file
6 27 suit in the district court in the county where the cemetery
6 28 or pioneer cemetery is located to have the deceased person's
6 29 remains interred in the cemetery or pioneer cemetery removed to
6 30 another cemetery. The owner of the land, any beneficiaries of
6 31 any reservation of rights, and any other persons in interest,
6 32 known or unknown, other than the plaintiffs shall be made
6 33 defendants. If any parties are unknown, notice may be given by
6 34 publication. After hearing and upon a showing of good cause,
6 35 the court may order removal and the proper interment of the



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7 1 remains in another cemetery, at the expense of the petitioner.
7 2 The removal and reinterment shall be done with due care and
7 3 decency.

7 4 EXPLANATION

7 5 This bill extends certain protections to pioneer cemeteries
7 6 that are available to cemeteries. A pioneer cemetery is
7 7 defined as a cemetery where there were 12 or fewer burials in
7 8 the preceding 50 years. A pioneer cemetery is specifically
7 9 excluded from the definition of a cemetery for purposes of
7 10 cemetery regulation in Code chapter 523I.

7 11 Code section 523I.316 is amended to require a governmental
7 12 subdivision that is notified of the existence of a pioneer
7 13 cemetery that is not otherwise provided for under Code chapter
7 14 523I to notify the owner of the land upon which the pioneer
7 15 cemetery is located of its existence and also the state
7 16 archaeologist if there is a basis to believe that interment
7 17 may have occurred more than 150 years earlier. A governmental
7 18 subdivision is also given the duty to preserve and protect a
7 19 pioneer cemetery or enter into an agreement with the landowner
7 20 on which the pioneer cemetery is located, or a public or
7 21 private organization interested in historical preservation, to
7 22 do so. The governmental subdivision may expend public funds
7 23 in connection with a pioneer cemetery and is liable, subject
7 24 to Code chapter 670, for personal injury or property damage
7 25 that results in connection with the preservation or protection
7 26 of, or access to, the pioneer cemetery. Reasonable ingress
7 27 and egress requirements for preservation organizations and
7 28 relatives of persons interred also apply to pioneer cemeteries.

7 29 Code section 523I.317 is amended to require that pioneer
7 30 cemeteries must allow public access to the pioneer cemetery at
7 31 reasonable times.

7 32 Code section 523I.401 is amended to require the commissioner
7 33 of insurance to create a form that interested persons may use
7 34 to report neglected cemeteries and pioneer cemeteries to the
7 35 commissioner and requires the commissioner to catalogue and



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8 1 review any neglected cemetery and pioneer cemetery reports
8 2 received on or before December 31, 2011, conduct site visits
8 3 as warranted, and publish a report of findings on or before
8 4 December 31, 2012. These changes update previous provisions
8 5 which required the commissioner to catalogue and review
8 6 neglected cemetery reports received on or before December 31,
8 7 2007, and publish a report of findings before December 31,
8 8 2008.
8 9 Code section 523I.402 is amended to allow a county cemetery
8 10 commission or an heir at law or descendent of a deceased person
8 11 interred in a pioneer cemetery to file suit in district court
8 12 to have remains interred in a pioneer cemetery removed to
8 13 another cemetery.
LSB 1608YH (7) 84
av/sc



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House File 194 - Introduced

HOUSE FILE
BY COMMITTEE ON WAYS AND
MEANS

(SUCCESSOR TO HF 4)

A BILL FOR

1 An Act providing for a reduction in the individual income
2 tax rates and including effective date and applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1482HV (1) 84
tw/sc



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1 1 Section 1. Section 422.5, subsection 1, paragraphs a
 1 2 through i, Code 2011, are amended to read as follows:
 1 3 a. On all taxable income from zero through one thousand
 1 4 dollars, ~~thirty-six~~ twenty-eight hundredths of one percent.
 1 5 b. On all taxable income exceeding one thousand dollars but
 1 6 not exceeding two thousand dollars, ~~seventy-two~~ fifty-seven
 1 7 hundredths of one percent.
 1 8 c. On all taxable income exceeding two thousand dollars but
 1 9 not exceeding four thousand dollars, ~~two one~~ and ~~forty-three~~
~~1 10~~ ninety-four hundredths percent.
 1 11 d. On all taxable income exceeding four thousand dollars but
 1 12 not exceeding nine thousand dollars, ~~four three~~ and ~~one-half~~
~~1 13~~ six-tenths percent.
 1 14 e. On all taxable income exceeding nine thousand dollars
 1 15 but not exceeding fifteen thousand dollars, ~~six four~~ and ~~twelve~~
~~1 16~~ eighty-nine hundredths percent.
 1 17 f. On all taxable income exceeding fifteen thousand dollars
 1 18 but not exceeding twenty thousand dollars, ~~six five~~ and
 1 19 ~~forty-eight~~ eighteen hundredths percent.
 1 20 g. On all taxable income exceeding twenty thousand dollars
 1 21 but not exceeding thirty thousand dollars, ~~six five~~ and
 1 22 ~~eight-tenths~~ forty-four hundredths percent.
 1 23 h. On all taxable income exceeding thirty thousand dollars
 1 24 but not exceeding forty-five thousand dollars, ~~seven six~~ and
 1 25 ~~ninety-two~~ thirty-three hundredths percent.
 1 26 i. On all taxable income exceeding forty-five thousand
 1 27 dollars, ~~eight seven~~ and ~~ninety-eight~~ eighteen hundredths
 1 28 percent.
 1 29 Sec. 2. EFFECTIVE DATE AND APPLICABILITY. This Act takes
 1 30 effect January 1, 2012, and applies to tax years beginning on
 1 31 or after that date.

EXPLANATION

1 32
 1 33 This bill reduces by approximately 20 percent the tax rate
 1 34 for each of the nine tax brackets of the individual income tax.
 1 35 The current individual income tax rates range from a low of



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2 1 .36 percent to a high of 8.98 percent. The bill changes these
2 2 rates to a low of .28 percent to a high of 7.18 percent.
2 3 The bill takes effect January 1, 2012, and applies to tax
2 4 years beginning on or after that date.
LSB 1482HV (1) 84
tw/sc



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House File 195 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 66)

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 and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1128HV (2) 84
pf/nh



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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 parenting time ==== 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) 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) That the specified family member is able to personally
3 7 and financially support the child during visitation or joint
3 8 physical care parenting time.

3 9 ~~4.~~ 5. An order granting assignment of visitation ~~rights~~
~~3 10~~ or joint physical care parenting time under this section does
3 11 not create separate rights to visitation or joint physical care
3 12 parenting time for a person other than the parent.

3 13 ~~5.~~ 6. The parent whose visitation ~~rights are~~ or joint
3 14 physical care parenting time is temporarily assigned shall
3 15 provide a copy of the order granting assignment of visitation
3 16 or joint physical care parenting time to the school and school
3 17 district of the child to whom the order applies.

3 18 ~~6.~~ 7. An order granting temporary assignment of visitation
3 19 ~~rights~~ or joint physical care parenting time pursuant to this
3 20 section shall terminate upon notification of the court by the
3 21 parent or automatically upon the parent's completion of active
3 22 duty, whichever occurs first.

3 23 ~~7.~~ 8. After a parent completes active duty, if an
3 24 application for modification of a decree or a petition for
3 25 modification of an order is filed, the parent's absence due to
3 26 active duty or the assignment of visitation ~~rights~~ or joint
3 27 physical care parenting time does not constitute a substantial
3 28 change in circumstances, and the court shall not consider a
3 29 parent's absence due to that active duty or the assignment
3 30 of visitation ~~rights~~ or joint physical care parenting time
3 31 in making a determination regarding the best interest of the
3 32 child relative to such an application or petition filed after a
3 33 parent completes active duty.

3 34 ~~8.~~ 9. As used in this section, "active duty" means active
3 35 military duty pursuant to orders issued under Tit. X of the



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HOUSE FILE

BY WILLEMS, ISENHART,
GASKILL, HUNTER,
T. TAYLOR, MURPHY,
KEARNS, and KAJTAZOVIC

A BILL FOR

1 An Act relating to employee leave by providing for time
2 off and vacation leave, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1914YH (4) 84
je/rj



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PAG LIN

1 1 Section 1. Section 91A.2, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 6A. "Paid time off" means a benefit
1 4 provided by an employer that allows an employee to take time
1 5 off from work with pay without regard to the reason the
1 6 employee chooses to take the time off.
1 7 Sec. 2. Section 91A.2, subsection 7, paragraph b, Code 2011,
1 8 is amended to read as follows:
1 9 b. Vacation, holiday, paid time off, sick leave, and
1 10 severance payments which are due an employee under an agreement
1 11 with the employer or under a policy or practice of the
1 12 employer.
1 13 Sec. 3. Section 91A.4, Code 2011, is amended by striking the
1 14 section and inserting in lieu thereof the following:
1 15 91A.4 Employment suspension or termination ==== how wages are
1 16 paid.
1 17 1. An employee's employer shall pay all wages earned by the
1 18 employee up to the time of the suspension or termination, less
1 19 any lawful deductions specified in section 91A.5, no later than
1 20 the next regular payday after suspension or termination, except
1 21 as follows:
1 22 a. Earned wages that are the difference between a credit
1 23 paid against wages determined on a commission basis and the
1 24 wages actually earned on a commission basis shall be paid
1 25 by the employer not more than thirty days after the date of
1 26 suspension or termination.
1 27 b. If while employed, an employee earned paid time off
1 28 but did not earn vacation, an employer may reduce pay for
1 29 accumulated paid time off by up to one-third.
1 30 c. If while employed, an employee earned both vacation pay
1 31 and paid time off, no payment for accrued paid time off is
1 32 required.
1 33 2. An employer shall not adopt a policy or practice of
1 34 denying payment for vacation or for paid time off upon the
1 35 suspension or termination of an employee's employment unless



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2 1 the employee's employment was terminated by the employer for
2 2 misconduct as defined in 871 IAC 24.32(1)"a", as set forth in
2 3 section 96.5, subsection 2.
2 4 3. Except as provided in subsection 1, upon suspension or
2 5 termination of an employee's employment, the amount of pay owed
2 6 for accrued paid time off or accrued vacation shall be the
2 7 amount of pay the employee would have received if the employee
2 8 had not been suspended or terminated and had begun taking the
2 9 total amount of accrued paid time off or accrued vacation on
2 10 the date the suspension or termination occurred.
2 11 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 12 immediate importance, takes effect upon enactment.
2 13 Sec. 5. APPLICABILITY. This Act applies only to the
2 14 suspension or termination of an employee's employment that
2 15 takes place on or after the effective date of this Act.
2 16 EXPLANATION
2 17 This bill provides employee leave by providing for time off
2 18 and vacation leave.
2 19 The bill relates to payments for accrued vacation time and
2 20 for accrued paid time off for all employees who are terminated
2 21 or suspended.
2 22 Current law requires an employer to pay accrued vacation pay
2 23 to a terminated or suspended employee only if the employer has
2 24 a policy, procedure, or contract that requires the employer to
2 25 do so.
2 26 The bill defines "paid time off" as a benefit allowing an
2 27 employee to take time off from work with pay without regard to
2 28 the reason the employee chooses to take the time off. "Paid
2 29 time off" is also added to the definition of "wages".
2 30 The bill provides that if an employee is suspended or
2 31 terminated upon request the employer must pay all wages, now
2 32 including paid time off, earned by the next regular payday.
2 33 The bill provides an exception for when an employee who earned
2 34 paid time off while employed but not vacation, the employer
2 35 may reduce the pay for the accrued paid time off by one-third.



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3 1 Finally, there is an exception for when an employee earned both
3 2 vacation and paid time off while employed, the employer is not
3 3 required to make payment for the paid time off.

3 4 An employer shall not adopt a policy or practice to deny
3 5 payment for accrued vacation or accrued paid time off upon the
3 6 suspension or termination of an employee unless the employee's
3 7 employment ended due to misconduct. Misconduct is not defined
3 8 in statute but is defined in the department of workforce
3 9 development's administrative rules.

3 10 The bill provides a formula to calculate the payment for an
3 11 employee's accrued paid time off or vacation if the employee is
3 12 suspended or terminated. Except as otherwise provided by the
3 13 formula, the amount of pay owed to an employee is the amount of
3 14 pay equal to the accrued vacation or paid time off as if the
3 15 employee began taking the vacation or paid time off the day the
3 16 suspension or termination took place. This formula substitutes
3 17 the pro rata policy for how accrued vacation is currently paid
3 18 out if an employee's policy or practice required it.

3 19 The bill takes effect upon enactment. The bill is made
3 20 applicable only to the suspension or termination of an
3 21 employee's employment that occurs on or after that date.

LSB 1914YH (4) 84

je/rj



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House File 197 - Introduced

HOUSE FILE
BY HORBACH

A BILL FOR

1 An Act abolishing construction contractor registration fees
2 collected by the department of workforce development.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2180YH (1) 84
je/rj



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1 1 Section 1. Section 91C.1, subsection 2, Code 2011, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 91C.3, subsection 1, unnumbered paragraph
1 4 1, Code 2011, is amended to read as follows:

1 5 The registration application shall be in the form prescribed
1 6 by the labor commissioner, ~~shall be accompanied by the~~
~~1 7 registration fee prescribed pursuant to section 91C.4, and~~
1 8 shall contain information which is substantially complete and
1 9 accurate. In addition to the information determined by the
1 10 labor commissioner to be necessary for purposes of section
1 11 91C.2, the application shall include information as to each of
1 12 the following:

1 13 Sec. 3. Section 91C.9, subsection 1, Code 2011, is amended
1 14 to read as follows:

1 15 1. A contractor registration revolving fund is created in
1 16 the state treasury. The revolving fund shall be administered
1 17 by the commissioner and shall consist of moneys collected
1 18 by the commissioner as fees. ~~The commissioner shall remit~~
~~1 19 all fees collected pursuant to this chapter to the revolving~~
~~1 20 fund.~~ The moneys in the revolving fund are appropriated to and
1 21 shall be used by the commissioner to pay the actual costs and
1 22 expenses necessary to perform the duties of the commissioner
1 23 and the division of labor as described in this chapter. All
1 24 salaries and expenses properly chargeable to the revolving fund
1 25 shall be paid from the revolving fund.

1 26 Sec. 4. REPEAL. Section 91C.4, Code 2011, is repealed.

EXPLANATION

1 28 This bill repeals Code section 91C.4, which allows the labor
1 29 commissioner to prescribe a registration fee of up to \$50 for
1 30 construction contractors to register with the department of
1 31 workforce development. The bill deletes related references.

LSB 2180YH (1) 84

je/rj



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House File 198 - Introduced

HOUSE FILE
BY WESSEL=KROESCHELL

A BILL FOR

1 An Act relating to eligibility for the preparation for adult
2 living program administered by the department of human
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2187HH (3) 84
jp/nh



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PAG LIN

1 1 Section 1. Section 234.46, subsection 1, paragraph c, Code
1 2 2011, is amended to read as follows:

1 3 c. At the time the person became age eighteen, ~~the~~ either of
1 4 the following circumstances applied:

1 5 (1) The person received foster care services that were
1 6 paid for by the state under section 234.35 and the person is no
1 7 longer receiving such services.

1 8 (2) The person received foster care services that were paid
1 9 for by the state under section 234.35 during all or a portion
1 10 of the forty-eight-month period prior to the person becoming
1 11 age eighteen, the person was adopted prior to becoming age
1 12 eighteen, and adoption subsidy payments are no longer being
1 13 made under section 600.17 on behalf of the person.

1 14 EXPLANATION

1 15 This bill relates to eligibility for the preparation for
1 16 adult living program administered by the department of human
1 17 services. The program provides support to young adults, age
1 18 18, 19, or 20, who were in foster care upon becoming age
1 19 18. The support is limited to young adults who are attending
1 20 school or instructional programs, or postsecondary training or
1 21 education, or are engaged in employment or seeking employment.

1 22 The bill expands program eligibility to include persons who
1 23 received foster care paid for by the state at some point during
1 24 the 48-month period before becoming age 18 but were adopted.
1 25 The person is not eligible for the program if adoption subsidy
1 26 payments are still being made on behalf of the person.

LSB 2187HH (3) 84

jp/nh



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House File 199 - Introduced

HOUSE FILE
BY WESSEL=KROESCHELL and
GASKILL

A BILL FOR

1 An Act establishing a parole procedure for certain class "A"
2 felons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1607YH (6) 84
jm/rj



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House File 199 - Introduced continued

PAG LIN

1 1 Section 1. Section 902.1, Code 2011, is amended to read as
1 2 follows:
1 3 902.1 Class "A" felony.
1 4 1. Upon a plea of guilty, a verdict of guilty, or a special
1 5 verdict upon which a judgment of conviction of a class "A"
1 6 felony may be rendered, the court shall enter a judgment of
1 7 conviction and shall commit the defendant into the custody of
1 8 the director of the Iowa department of corrections for the rest
1 9 of the defendant's life. Nothing in the Iowa corrections code
1 10 pertaining to deferred judgment, deferred sentence, suspended
1 11 sentence, or reconsideration of sentence applies to a class "A"
1 12 felony, and a person convicted of a class "A" felony shall not
1 13 be released on parole unless the governor commutes the sentence
1 14 to a term of years.
1 15 2. Notwithstanding subsection 1, a person may be released on
1 16 parole or work release pursuant to the procedures in section
1 17 902.1A if the person was under the age of eighteen at the time
1 18 the class "A" felony offense was committed.
1 19 Sec. 2. NEW SECTION. 902.1A Class "A" felony ==== application
1 20 for review of sentence.
1 21 1. As used in this section:
1 22 a. "Board" means the board of parole.
1 23 b. "Director" means the director of the department of
1 24 corrections.
1 25 2. After serving a period of incarceration of fifteen
1 26 years of a class "A" felony sentence, a person who was under
1 27 the age of eighteen at the time the offense was committed may
1 28 submit an application for review of sentence with the person's
1 29 counselor who shall then file the application with the director
1 30 or the director's designee within thirty days of receiving the
1 31 application.
1 32 3. Earned time accrued pursuant to chapter 903A shall not
1 33 be used to reduce the fifteen-year period-of-incarceration
1 34 requirement pursuant to subsection 2.
1 35 4. The applicant may use the assistance of an attorney in



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House File 199 - Introduced continued

- 2 1 preparing the application, at the applicant's expense.
2 2 5. The counselor may attach comments to the application and
2 3 shall ensure that the application filed with the director or
2 4 the director's designee contains the following information:
2 5 a. Criminal history.
2 6 b. Disciplinary history.
2 7 c. Supplementary treatment program record.
2 8 d. Mental health evaluations.
2 9 e. Social evaluations.
2 10 f. Evidence of physical or drug abuse prior to the offense.
2 11 g. Any other information considered relevant to the
2 12 application.
2 13 6. The applicant shall have access to all information
2 14 contained in the application.
2 15 7. The director or the director's designee shall conduct
2 16 a review of the application within sixty days of receiving
2 17 the application. The director or the director's designee
2 18 shall make written findings and recommendations based upon
2 19 the application. The findings and recommendations shall be
2 20 clearly stated and supported by evidence in the application.
2 21 The applicant shall be provided a copy of the findings and
2 22 recommendations of the director or the director's designee.
2 23 8. The board shall review the application and the written
2 24 findings and recommendations of the director or the director's
2 25 designee.
2 26 9. When making a determination to grant or deny parole or
2 27 work release, the board shall consider the following factors:
2 28 a. The age and level of maturity of the applicant at the
2 29 time the offense was committed.
2 30 b. The applicant's susceptibility to outside pressures at
2 31 the time the offense was committed.
2 32 c. The potential for rehabilitation at the time of the
2 33 application.
2 34 d. The nature and severity of the offense.
2 35 e. Prior juvenile and criminal history.



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House File 199 - Introduced continued

3 1 f. Overall behavioral record while incarcerated including
3 2 participation in prison programming and cooperation with prison
3 3 staff.

3 4 g. The likelihood that the applicant will commit other
3 5 offenses if released.

3 6 10. If a majority of the members of the board consider the
3 7 applicant eligible for parole or work release, the board shall
3 8 set a hearing on the application. The board shall provide
3 9 at least fifteen days' notice of the hearing to the attorney
3 10 general and to any victim of the class "A" felony offense.

3 11 11. At the hearing and after review of any information
3 12 provided by the attorney general and any victim, the board may
3 13 grant parole or work release to an applicant pursuant to the
3 14 procedures under chapter 906. The board shall establish the
3 15 term of the parole or work release at the time of granting
3 16 parole or work release.

3 17 12. The decision to grant or deny parole or work release
3 18 shall be in writing and shall be supported by findings and
3 19 reasons for granting or denying parole or work release based
3 20 upon the factors enumerated in subsection 9.

3 21 13. A decision of the board granting or denying parole or
3 22 work release pursuant to this section constitutes a contested
3 23 case subject to judicial review pursuant to chapter 17A.

3 24 14. A person is eligible to submit a new application every
3 25 two years to the person's counselor pursuant to subsection 2.

3 26 15. An application filed pursuant to this section shall not
3 27 affect any other proceedings or procedures available to the
3 28 applicant.

3 29 16. The board shall prescribe the application form to be
3 30 used pursuant to this section, and shall prescribe the form for
3 31 counselor comments and for the findings and recommendations of
3 32 the director or director's designee.

3 33 EXPLANATION

3 34 This bill establishes a parole procedure for certain class
3 35 "A" felons.



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House File 199 - Introduced continued

4 1 The bill provides that a person serving a class "A" felony
4 2 sentence who committed the offense when under 18 years of
4 3 age may file an application for review of the sentence after
4 4 serving 15 years of the sentence. Earned time accrued pursuant
4 5 to Code chapter 903A shall not be used to reduce the 15-year
4 6 period of incarceration requirement under the bill.

4 7 The bill provides that the person shall submit the
4 8 application to the person's counselor, who then is required to
4 9 file the application with the director of the department of
4 10 corrections or the director's designee within 30 days.

4 11 Under the bill, the counselor may attach comments to the
4 12 application and is required to ensure the application contains
4 13 all the relevant histories of the applicant and any other
4 14 information considered relevant.

4 15 The bill requires the director of the department of
4 16 corrections or the director's designee to make written findings
4 17 and recommendations based upon the application within 60 days
4 18 of receiving the application. The findings and recommendations
4 19 shall be clearly stated and supported by evidence in the
4 20 application. The applicant shall be provided a copy of the
4 21 written findings and recommendations.

4 22 Under the bill, the board of parole shall review the
4 23 application and written findings and recommendations of
4 24 the director or the director's designee. The bill requires
4 25 that the board of parole consider the following factors when
4 26 determining whether to grant or deny parole or work release to
4 27 the applicant: the age and maturity level of the applicant
4 28 at the time the offense was committed; the applicant's
4 29 susceptibility to outside pressures at the time the offense was
4 30 committed; the potential for rehabilitation; the nature and
4 31 severity of the offense; prior juvenile and criminal history;
4 32 the overall behavioral record while incarcerated; and the
4 33 likelihood to commit other offenses if released.

4 34 The bill provides that if a majority of board of parole
4 35 members consider the applicant parole or work release eligible,



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House File 199 - Introduced continued

5 1 the board shall set a parole hearing on the application. The
5 2 bill requires the board to provide a minimum of 15 days' notice
5 3 of any hearing to the attorney general and any victim of the
5 4 offense.

5 5 The bill provides that at the parole hearing and after
5 6 review of any information provided by the attorney general and
5 7 any victim, the board may grant parole or work release to an
5 8 applicant pursuant to the procedures under Code chapter 906.
5 9 The bill also requires the board of parole to establish the
5 10 parole or work release term at the time of granting parole or
5 11 work release.

5 12 The bill provides that the decision to grant or deny parole
5 13 or work release shall be in writing, setting forth the findings
5 14 and reasons for granting or denying parole or work release
5 15 based upon the factors enumerated in the bill.

5 16 The bill provides that a decision of the board granting or
5 17 denying parole or work release is a contested case subject
5 18 to judicial review pursuant to Code chapter 17A. Current law
5 19 provides that parole decisions are not a contested case and are
5 20 not subject to judicial review pursuant to Code chapter 17A.

5 21 The bill provides that a person is eligible to submit an
5 22 application every two years to the person's counselor.



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House File 200 - Introduced

HOUSE FILE
BY WOLFE

A BILL FOR

1 An Act relating to expunging criminal records upon acquittal or
2 dismissal.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1853YH (3) 84

jm/rj



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House File 200 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.8102, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 134A. Carry out duties relating to
1 4 expunging criminal records pursuant to section 901.11.

1 5 Sec. 2. NEW SECTION. 901.11 Expunging criminal records.

1 6 1. A person charged with a criminal offense may petition the
1 7 court to expunge any records relating to the criminal offense
1 8 if the criminal charge is dismissed or a judgment of acquittal
1 9 is entered for the offense. Upon verification of the dismissal
1 10 or acquittal, the court shall enter an order expunging the
1 11 records relating to the criminal offense.

1 12 2. Upon receipt of the expunging order, the clerk of the
1 13 district court shall expunge the records relating to the
1 14 criminal offense from the records of the judicial branch and
1 15 remove the records from the Iowa court information system.

1 16 EXPLANATION

1 17 This bill relates to expunging criminal records upon
1 18 dismissal or acquittal.

1 19 The bill provides that a person charged with a criminal
1 20 offense may petition the court to expunge the records relating
1 21 to the offense if the criminal charge is dismissed or a
1 22 judgment of acquittal is entered for the offense. Upon
1 23 verification of the dismissal or acquittal, the bill requires
1 24 the court to enter an order expunging the records relating to
1 25 the criminal offense.

1 26 Upon receipt of the expunging order, the bill requires the
1 27 clerk of the district court to expunge the records relating to
1 28 the criminal offense from the records of the judicial branch
1 29 and remove the records from the Iowa court information system.

1 30 Code section 692.17(1) generally requires that the criminal
1 31 history records of the department of public safety relating
1 32 to a dismissal or acquittal be removed from records of the
1 33 department.

LSB 1853YH (3) 84

jm/rj



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House File 201 - Introduced

HOUSE FILE
BY MASCHER

(COMPANION TO SF 92 BY
BOLKCOM)

A BILL FOR

1 An Act increasing punitive damages that may be awarded for
2 wrongful retention of certain rental deposits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1996HH (2) 84
md/sc



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House File 201 - Introduced continued

PAG LIN

1 1 Section 1. Section 562A.12, subsection 7, Code 2011, is
1 2 amended to read as follows:

1 3 7. The ~~bad faith~~ wrongful retention of a deposit by a
1 4 landlord, or any portion of the rental deposit, in violation
1 5 of this section shall subject the landlord to punitive damages
1 6 ~~not to exceed two~~ equal to double the amount of the deposit or
1 7 the portion of the deposit wrongfully retained or five hundred

1 8 dollars, whichever is more, in addition to actual damages.

1 9 Sec. 2. Section 562B.13, subsection 8, Code 2011, is amended
1 10 to read as follows:

1 11 8. The ~~bad faith~~ wrongful retention of a deposit by a
1 12 landlord, or any portion of the rental deposit, in violation
1 13 of this section shall subject the landlord to punitive damages
1 14 ~~not to exceed two~~ equal to double the amount of the deposit or
1 15 the portion of the deposit wrongfully retained or five hundred

1 16 dollars, whichever is more, in addition to actual damages.

1 17 EXPLANATION

1 18 This bill increases the amount of punitive damages that can
1 19 be awarded when a landlord wrongfully retains a rental deposit
1 20 or a portion of a rental deposit made to secure performance of
1 21 a residential rental agreement under Code section 562A.12 or a
1 22 mobile home space rental agreement under Code section 562B.13.

1 23 The bill requires that a landlord who violates these
1 24 provisions shall be subject to punitive damages equal to double
1 25 the amount of the deposit or portion of the deposit that is
1 26 wrongfully retained or \$500, whichever is more, in addition to
1 27 actual damages.

1 28 Currently, a violation of these Code sections cannot subject
1 29 a landlord to punitive damages in excess of \$200.



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House File 202 - Introduced

HOUSE FILE
BY ISENHART, HANSON, and
MURPHY

A BILL FOR

1 An Act relating to the property tax exemption for property
2 owned by certain municipalities and the Iowa national guard
3 and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1457HH (6) 84
md/sc



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House File 202 - Introduced continued

PAG LIN

1 1 Section 1. Section 427.1, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. Municipal and military property.

1 4 a. The property of a county, township, city, school
1 5 corporation, levee district, drainage district, or the Iowa
1 6 national guard, when devoted to public use and not held for
1 7 pecuniary profit, ~~except property as provided in paragraph "e".~~

1 8 b. The exemption under paragraph "a" shall not apply to any
1 9 of the following:

1 10 (1) Property of a municipally owned electric utility
1 11 held under joint ownership and property of an electric power
1 12 facility financed under chapter 28F or 476A that shall be
1 13 subject to taxation under chapter 437A ~~and facilities.~~

1 14 (2) Facilities of a municipal utility that are used for the
1 15 provision of local exchange services pursuant to chapter 476,
1 16 but only to the extent such facilities are used to provide such
1 17 services, which shall be subject to taxation under chapter 433,
1 18 except that section 433.11 shall not apply.

1 19 c. The exemption for property owned by a city or county also
1 20 applies to property which is operated by a city or county as a
1 21 library, art gallery or museum, conservatory, botanical garden
1 22 or display, observatory or science museum, or as a location
1 23 for holding athletic contests, sports or entertainment events,
1 24 expositions, meetings, or conventions, or leased from the city
1 25 or county for any such purposes, or leased from the city or
1 26 county by the Iowa national guard or by a federal agency for
1 27 the benefit of the Iowa national guard when the property owned
1 28 by the city or county is devoted for public use and not for
1 29 pecuniary profit, except as provided in paragraph "e".

1 30 d. Food and beverages may be served at the events or
1 31 locations without affecting the exemptions, provided the city
1 32 has approved the serving of food and beverages on the property
1 33 if the property is owned by the city or the county has approved
1 34 the serving of food and beverages on the property if the
1 35 property is owned by the county. The exemption for property



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House File 202 - Introduced continued

2 1 owned by a city or county also applies to property which is
2 2 located at an airport and leased to a fixed base operator
2 3 providing aeronautical services to the public.
2 4 e. The exemption for property owned by a county, township,
2 5 city, school corporation, levee district, drainage district, or
2 6 the Iowa national guard under paragraph "a" shall also include
2 7 property held by such entities for pecuniary profit if such
2 8 property is leased to and used by a person who, if the person
2 9 owned the property, would qualify for an exemption authorized
2 10 by law. An exemption under this paragraph shall be limited
2 11 to the proportion of the exemption that the lessee would be
2 12 entitled to if the lessee owned the property.

2 13 Sec. 2. APPLICABILITY. This Act applies to assessment years
2 14 beginning on or after January 1, 2012.

2 15 EXPLANATION

2 16 Current Code section 427.1, subsection 2, provides a general
2 17 property tax exemption for the property of a county, township,
2 18 city, school corporation, levee district, drainage district,
2 19 or the Iowa national guard, when devoted to public use and not
2 20 held for pecuniary profit. This bill applies the exemption to
2 21 property held by such entities for pecuniary profit if such
2 22 property is leased to and used by a person who, if the person
2 23 owned the property, would qualify for an exemption authorized
2 24 by law. An exemption allowed under the bill is limited to the
2 25 proportion of the exemption that the lessee would be entitled
2 26 to if the lessee owned the property.

2 27 The bill applies to assessment years beginning on or after
2 28 January 1, 2012.

LSB 1457HH (6) 84

md/sc



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House Joint Resolution 10 - Introduced

HOUSE JOINT RESOLUTION
BY MOORE, WOLFE, KELLEY,
KLEIN, JORGENSEN,
HAGER, PEARSON,
PAUSTIAN, S. OLSON,
HEIN, VANDER LINDEN,
and KAUFMANN

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to term limits for members of
3 the general assembly.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1680YH (3) 84
aw/sc



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House Joint Resolution 10 - 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 1. Section 3 of Article III of the Constitution of the State
1 4 of Iowa is repealed and the following adopted in lieu thereof:
1 5 Representatives. SEC. 3. The members of the house of
1 6 representatives shall be chosen every second year, by the
1 7 qualified electors of their respective districts, and their
1 8 term of office shall commence on the first day of January next
1 9 after their election, and continue two years, and until their
1 10 successors are elected and qualified. No person who has, or
1 11 but for resignation would have, served eight consecutive terms
1 12 shall be elected as a representative for the succeeding term.
1 13 If a person is elected to serve a portion of a term to which
1 14 some other person was elected but that person died in office
1 15 or resigned from office or was otherwise removed from office,
1 16 those years served shall not be included in the consecutive
1 17 years of service for purposes of this limitation. This
1 18 limitation on consecutive years of service shall only apply to
1 19 terms of office beginning on or after January 1, 2017.
1 20 2. Section 5 of Article III of the Constitution of the State
1 21 of Iowa is repealed and the following adopted in lieu thereof:
1 22 Senators ==== qualifications. SEC. 5. Senators shall be
1 23 chosen for the term of four years, at the same time and place as
1 24 representatives; they shall be twenty=five years of age, and
1 25 possess the qualifications of representatives as to residence
1 26 and citizenship. No person who has, or but for resignation
1 27 would have, served four consecutive terms shall be elected as
1 28 a senator for the succeeding term. If a person is elected
1 29 to serve a portion of a term to which some other person was
1 30 elected but that person died in office or resigned from office
1 31 or was otherwise removed from office, those years served
1 32 shall not be included in the consecutive years of service for
1 33 purposes of this limitation. This limitation on consecutive
1 34 years of service shall only apply to terms of office beginning
1 35 on or after January 1, 2017.



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House Study Bill 67

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act requiring an arrested person to submit a DNA sample
2 if the arrest is for a felony and providing for the
3 reimbursement of costs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2016HC (3) 84
jm/nh



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House Study Bill 67 continued

PAG LIN

1 1 Section 1. Section 81.1, Code 2011, is amended by adding the
1 2 following new subsections:

1 3 NEW SUBSECTION. 01. "Arrest" means the same as in section
1 4 804.5 and as "taking into custody" in section 232.2.

1 5 NEW SUBSECTION. 001. "Dismissal of the charges" means
1 6 dismissal of the complaint, indictment, or information in adult
1 7 court and dismissal of the complaint or petition in juvenile
1 8 court.

1 9 Sec. 2. Section 81.1, subsection 8, Code 2011, is amended
1 10 to read as follows:

1 11 8. "Person required to submit a DNA sample" means a person
1 12 convicted, adjudicated delinquent, receiving a deferred
1 13 judgment, or found not guilty by reason of insanity of an
1 14 offense requiring DNA profiling pursuant to section 81.2.

1 15 "Person required to submit a DNA sample" also means a person
1 16 arrested for an offense classified as a felony and a person
1 17 determined to be a sexually violent predator pursuant to
1 18 section 229A.7.

1 19 Sec. 3. Section 81.2, Code 2011, is amended by adding the
1 20 following new subsection:

1 21 NEW SUBSECTION. 01. A person arrested for an offense
1 22 classified as a felony shall be required to submit a DNA sample
1 23 for DNA profiling pursuant to section 81.4.

1 24 Sec. 4. Section 81.4, subsection 2, Code 2011, is amended
1 25 to read as follows:

1 26 2. A supervising agency having control, custody, or
1 27 jurisdiction over a person shall collect a DNA sample from a
1 28 person required to submit a DNA sample. The supervising agency
1 29 shall collect a DNA sample, upon admittance to the pertinent
1 30 institution, jail, or facility, of the person required to
1 31 submit a DNA sample or at a determined date and time set by
1 32 the supervising agency. If a person required to submit a DNA
1 33 sample is confined at the time a DNA sample is required, the
1 34 person shall submit a DNA sample as soon as practicable. If a
1 35 person required to submit a DNA sample is not confined after



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House Study Bill 67 continued

2 1 the person is required to submit a DNA sample, the supervising
2 2 agency shall determine the date and time to collect the DNA
2 3 sample.
2 4 Sec. 5. Section 81.9, subsections 1 and 2, Code 2011, are
2 5 amended to read as follows:
2 6 1. A person whose DNA record has been included in the DNA
2 7 database or DNA data bank established pursuant to section
2 8 81.3 may request, in writing to the division of criminal
2 9 investigation, expungement of the DNA record from the DNA
2 10 database and DNA data bank based upon dismissal of the charges
2 11 which caused the submission of the DNA sample, or the person's
2 12 conviction, adjudication, or civil commitment which caused
2 13 the submission of the DNA sample being reversed on appeal
2 14 and the case dismissed. The written request shall contain a
2 15 certified copy of the final court order dismissing the charges
2 16 or reversing the conviction, adjudication, or civil commitment,
2 17 and a certified copy of the dismissal, and any other
2 18 information necessary to ascertain the validity of the request.
2 19 2. The division of criminal investigation, upon receipt of
2 20 a written request that validates the dismissal of the charges,
2 21 or reversal on appeal of a person's conviction, adjudication,
2 22 or commitment, and subsequent dismissal of the case, or upon
2 23 receipt of a written request by a person who voluntarily
2 24 submitted a DNA sample pursuant to section 81.3, subsection
2 25 3, paragraph "b", shall expunge all of the DNA records and
2 26 identifiable information of the person in the DNA database
2 27 and DNA data bank. However, if the division of criminal
2 28 investigation determines that the person is otherwise obligated
2 29 to submit a DNA sample, the DNA records shall not be expunged.
2 30 If the division of criminal investigation denies an expungement
2 31 request, the division shall notify the person requesting the
2 32 expungement of the decision not to expunge the DNA record and
2 33 the reason supporting its decision. The division of criminal
2 34 investigation decision is subject to judicial review pursuant
2 35 to chapter 17A. The department of public safety shall adopt



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House Study Bill 67 continued

3 1 rules governing the expungement procedure and a review process.

3 2 Sec. 6. Section 229A.7, subsection 6, Code 2011, is amended
3 3 to read as follows:

3 4 6. If the court or jury determines that the respondent is a
3 5 sexually violent predator, the court shall order the respondent
3 6 to submit a DNA sample for DNA profiling ~~pursuant to section~~
~~3 7 81.4 if a DNA sample has not been previously submitted pursuant~~
3 8 to chapter 81.

3 9 Sec. 7. Section 232.52, subsection 11, Code 2011, is amended
3 10 to read as follows:

3 11 11. The court shall order a juvenile adjudicated a
3 12 delinquent for an offense that requires DNA profiling under
3 13 section 81.2 to submit a DNA sample for DNA profiling ~~pursuant~~
~~3 14 to section 81.4 if a DNA sample has not been previously~~
3 15 submitted pursuant to chapter 81.

3 16 Sec. 8. Section 331.653, Code 2011, is amended by adding the
3 17 following new subsection:

3 18 NEW SUBSECTION. 72. Carry out duties relating to collecting
3 19 DNA samples pursuant to section 81.4.

3 20 Sec. 9. Section 901.5, subsection 8A, paragraph a, Code
3 21 2011, is amended to read as follows:

3 22 a. The court shall order ~~DNA profiling of~~ a defendant
3 23 convicted of an offense that requires DNA profiling under
3 24 section 81.2, to submit a DNA sample for DNA profiling if a DNA
~~3 25 sample has not been previously submitted pursuant to chapter~~
3 26 81.

3 27 Sec. 10. Section 906.4, subsection 3, paragraph a, Code
3 28 2011, is amended to read as follows:

3 29 a. The board may order the defendant to provide a ~~physical~~
~~3 30 specimen to be~~ DNA sample for DNA profiling if a DNA sample
3 31 has not been submitted for DNA profiling pursuant to chapter
3 32 81 as a condition of parole or work release, if a DNA profile
~~3 33 has not been previously conducted pursuant to chapter 81.~~ In
3 34 determining the appropriateness of ordering DNA profiling, the
3 35 board shall consider the deterrent effect of DNA profiling,



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House Study Bill 67 continued

4 1 the likelihood of repeated offenses by the defendant, and the
4 2 seriousness of the offense.

4 3 Sec. 11. Section 910.1, subsection 4, Code 2011, is amended
4 4 to read as follows:

4 5 4. "Restitution" means payment of pecuniary damages to
4 6 a victim in an amount and in the manner provided by the
4 7 offender's plan of restitution. "Restitution" also includes
4 8 fines, penalties, and surcharges, the contribution of funds to
4 9 a local anticrime organization which provided assistance to law
4 10 enforcement in an offender's case, the payment of crime victim
4 11 compensation program reimbursements, payment of restitution
4 12 to public agencies pursuant to section 321J.2, subsection
4 13 13, paragraph "b", court costs including correctional fees
4 14 approved pursuant to section 356.7, reimbursement of costs to
4 15 an agency performing DNA profiling pursuant to chapter 81,
4 16 court=appointed attorney fees ordered pursuant to section
4 17 815.9, including the expense of a public defender, and the
4 18 performance of a public service by an offender in an amount set
4 19 by the court when the offender cannot reasonably pay all or
4 20 part of the court costs including correctional fees approved
4 21 pursuant to section 356.7, or court=appointed attorney fees
4 22 ordered pursuant to section 815.9, including the expense of a
4 23 public defender.

4 24 Sec. 12. Section 910.2, Code 2011, is amended to read as
4 25 follows:

4 26 910.2 Restitution or community service to be ordered by
4 27 sentencing court.

4 28 1. In all criminal cases in which there is a plea of guilty,
4 29 verdict of guilty, or special verdict upon which a judgment
4 30 of conviction is rendered, the sentencing court shall order
4 31 that restitution be made by each offender to the victims of
4 32 the offender's criminal activities, to the clerk of court for
4 33 fines, penalties, surcharges, and, to the extent that the
4 34 offender is reasonably able to pay, for crime victim assistance
4 35 reimbursement, restitution to public agencies pursuant to



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House Study Bill 67 continued

5 1 section 321J.2, subsection 13, paragraph "b", court costs
5 2 including correctional fees approved pursuant to section 356.7,
5 3 reimbursement of costs to an agency performing DNA profiling
5 4 pursuant to chapter 81, court=appointed attorney fees ordered
5 5 pursuant to section 815.9, including the expense of a public
5 6 defender, when applicable, contribution to a local anticrime
5 7 organization, or restitution to the medical assistance
5 8 program pursuant to chapter 249A for expenditures paid on
5 9 behalf of the victim resulting from the offender's criminal
5 10 activities. However, victims shall be paid in full before
5 11 finances, penalties, and surcharges, crime victim compensation
5 12 program reimbursement, public agencies, court costs including
5 13 correctional fees approved pursuant to section 356.7,
5 14 reimbursement of costs to an agency performing DNA profiling
5 15 pursuant to chapter 81, court=appointed attorney fees ordered
5 16 pursuant to section 815.9, including the expenses of a public
5 17 defender, contributions to a local anticrime organization, or
5 18 the medical assistance program are paid. In structuring a plan
5 19 of restitution, the court shall provide for payments in the
5 20 following order of priority: victim, fines, penalties, and
5 21 surcharges, crime victim compensation program reimbursement,
5 22 public agencies, court costs including correctional fees
5 23 approved pursuant to section 356.7, reimbursement of costs to
5 24 an agency performing DNA profiling pursuant to chapter 81,
5 25 court=appointed attorney fees ordered pursuant to section
5 26 815.9, including the expense of a public defender, contribution
5 27 to a local anticrime organization, and the medical assistance
5 28 program.
5 29 2. When the offender is not reasonably able to pay all or a
5 30 part of the crime victim compensation program reimbursement,
5 31 public agency restitution, court costs including correctional
5 32 fees approved pursuant to section 356.7, reimbursement of costs
5 33 to an agency performing DNA profiling pursuant to chapter 81,
5 34 court=appointed attorney fees ordered pursuant to section
5 35 815.9, including the expense of a public defender, contribution



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House Study Bill 67 continued

6 1 to a local anticrime organization, or medical assistance
6 2 program restitution, the court may require the offender
6 3 in lieu of that portion of the crime victim compensation
6 4 program reimbursement, public agency restitution, court costs
6 5 including correctional fees approved pursuant to section 356.7,
6 6 reimbursement of costs to an agency performing DNA profiling
6 7 pursuant to chapter 81, court-appointed attorney fees ordered
6 8 pursuant to section 815.9, including the expense of a public
6 9 defender, contribution to a local anticrime organization, or
6 10 medical assistance program restitution for which the offender
6 11 is not reasonably able to pay, to perform a needed public
6 12 service for a governmental agency or for a private nonprofit
6 13 agency which provides a service to the youth, elderly, or poor
6 14 of the community. When community service is ordered, the court
6 15 shall set a specific number of hours of service to be performed
6 16 by the offender which, for payment of court-appointed attorney
6 17 fees ordered pursuant to section 815.9, including the expenses
6 18 of a public defender, shall be approximately equivalent in
6 19 value to those costs. The judicial district department of
6 20 correctional services shall provide for the assignment of the
6 21 offender to a public agency or private nonprofit agency to
6 22 perform the required service.

6 23 Sec. 13. IMPLEMENTATION OF ACT. Section 25B.2, subsection
6 24 3, shall not apply to this Act.

6 25 EXPLANATION

6 26 This bill expands the number of persons required to submit a
6 27 DNA sample in a criminal proceeding.

6 28 The bill provides that a person arrested for an offense
6 29 classified as a felony shall submit a DNA sample for storage
6 30 in the DNA bank and DNA database maintained by the division
6 31 of criminal investigation of the department of public safety.
6 32 The bill also applies to juveniles taken into custody for an
6 33 offense classified as a felony if committed by an adult.

6 34 Current law requires a person to submit a DNA sample if
6 35 convicted, adjudicated delinquent, receiving a deferred



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House Study Bill 67 continued

7 1 judgment, or found not guilty by reason of insanity of an
7 2 offense requiring DNA profiling pursuant to Code section 81.2.

7 3 The bill provides that upon admittance to a county jail,
7 4 the county sheriff shall collect a DNA sample from a person
7 5 arrested for a felony.

7 6 The bill also provides that if the offense which caused
7 7 the submission of a DNA sample is dismissed, the person who
7 8 submitted the DNA sample may file a written request along with
7 9 certified copies of relevant court records to expunge the DNA
7 10 record from the DNA bank and DNA database. Under the bill,
7 11 if the written request validates the dismissal of the charges
7 12 the division of criminal investigation shall expunge the DNA
7 13 record.

7 14 The bill requires any person required to submit a DNA sample
7 15 for DNA profiling under Code chapter 81 to reimburse the agency
7 16 performing the DNA profiling for performing such DNA profiling.

7 17 The bill may include a state mandate as defined in Code
7 18 section 25B.3. The bill makes inapplicable Code section 25B.2,
7 19 subsection 3, which would relieve a political subdivision from
7 20 complying with a state mandate if funding for the cost of
7 21 the state mandate is not provided or specified. Therefore,
7 22 political subdivisions are required to comply with any state
7 23 mandate included in the bill.

LSB 2016HC (3) 84

jm/nh



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House Study Bill 68

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act authorizing the modification of the designation of a
2 state patrol officer.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2152HC (3) 84
rh/rj



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House Study Bill 68 continued

PAG LIN

1 1 Section 1. Section 80.26, Code 2011, is amended to read as
1 2 follows:

1 3 80.26 Designation by department of administrative services.

1 4 1. Notwithstanding the use of the designations "enforcement
1 5 officer", "officer", "gaming enforcement officer", and "special
1 6 agent" in this chapter and chapters 97A, 97B, 99D, and 99F,
1 7 nothing shall prohibit the department of administrative
1 8 services from officially designating gaming enforcement
1 9 officers or special agents by another class title for purposes
1 10 of identifying job classifications. Any official class
1 11 title designation made by the department of administrative
1 12 services shall not create or establish any new employee rights
1 13 with respect to promotional opportunities, compensation, or
1 14 benefits, or establish any connection that does not exist as
1 15 of July 1, 2010, between the designation of gaming enforcement
1 16 officer and any existing job classifications, including special
1 17 agents, as a result of a change in designation.

1 18 2. Notwithstanding the use of the designations "state
1 19 patrol" and "senior patrol officer of the state patrol" in this
1 20 chapter and chapter 97A, nothing shall prohibit the department
1 21 of administrative services from officially designating
1 22 state patrol officers by another class title for purposes
1 23 of identifying job classifications. Any official class
1 24 title designation made by the department of administrative
1 25 services shall not create or establish any new employee rights
1 26 with respect to promotional opportunities, compensation, or
1 27 benefits, or establish any connection that does not exist as of
1 28 July 1, 2011, between the designation of a state patrol officer
1 29 and any existing job classifications, as a result of a change
1 30 in designation.

1 31 Sec. 2. LEGISLATIVE INTENT ==== CONSTRUCTION.

1 32 1. It is the intent of the general assembly that any change
1 33 in class title designation pursuant to this Act shall not
1 34 modify the existing job classification or duties for a state
1 35 patrol officer. The general assembly reaffirms that changes



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2 1 to existing compensation levels should be determined by the
2 2 collective bargaining process and not determined by a change in
2 3 employee designation as authorized by this Act.
2 4 2. Any change to the class title designation by the
2 5 department of administrative services relating to state
2 6 patrol officers pursuant to this Act shall be construed as a
2 7 nonsubstantive change.

2 8 EXPLANATION

2 9 This bill authorizes the department of administrative
2 10 services to change the class title designation of a state
2 11 patrol officer. The bill provides that the change in
2 12 designation shall not create or establish new employee rights
2 13 with respect to promotional opportunities, compensation, or
2 14 benefits, or establish any connection that does not exist as of
2 15 July 1, 2011, between the designation of a state patrol officer
2 16 and any existing job classifications, as a result of a change
2 17 in designation.

2 18 The bill also provides that it is the intent of the general
2 19 assembly that the change in designation is for official
2 20 designation purposes only and shall not modify the existing job
2 21 classification or duties for a state patrol officer as of July
2 22 1, 2011.

LSB 2152HC (3) 84
rh/rj



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House Study Bill 69

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act modifying the criminal offense of interference with
2 official acts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2205YC (1) 84
jm/nh



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House Study Bill 69 continued

PAG LIN

1 1 Section 1. Section 719.1, subsections 1 and 2, Code 2011,
1 2 are amended to read as follows:

1 3 1. A person who knowingly resists or obstructs anyone known
1 4 by the person to be a peace officer, emergency medical care
1 5 provider under chapter 147A, or fire fighter, whether paid
1 6 or volunteer, in the performance of any act which is within
1 7 the scope of the lawful duty or authority of that officer,
1 8 emergency medical care provider under chapter 147A, or fire
1 9 fighter, whether paid or volunteer, or who knowingly resists or
1 10 obstructs the service or execution by any authorized person of
1 11 any civil or criminal process or order of any court, commits a
1 12 simple misdemeanor. In addition to any other penalties, the
1 13 punishment imposed for a violation of this subsection shall
1 14 include assessment of a fine of not less than two hundred fifty
1 15 dollars. However, if a person commits an interference with
1 16 official acts, as defined in this subsection, ~~and in so doing~~
~~1 17 inflicts which results in bodily injury other than serious~~
~~1 18 injury~~, that person commits an aggravated misdemeanor. If a
1 19 person commits an interference with official acts, as defined
1 20 in this subsection, ~~and in so doing inflicts or attempts~~
~~1 21 to inflict which results in serious injury~~, or displays a
1 22 dangerous weapon, as defined in section 702.7, or is armed with
1 23 a firearm, that person commits a class "D" felony.

1 24 2. A person under the custody, control, or supervision of
1 25 the department of corrections who knowingly resists, obstructs,
1 26 or interferes with a correctional officer, agent, employee, or
1 27 contractor, whether paid or volunteer, in the performance of
1 28 the person's official duties, commits a serious misdemeanor.
1 29 If a person violates this subsection and in so doing commits
1 30 an assault, as defined in section 708.1, the person commits an
1 31 aggravated misdemeanor. If a person violates this subsection
1 32 and ~~in so doing inflicts or attempts to inflict the violation~~
~~1 33 results in bodily injury other than serious injury~~ to another,
1 34 displays a dangerous weapon, as defined in section 702.7, or is
1 35 armed with a firearm, the person commits a class "D" felony.



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House Study Bill 69 continued

2 1 If a person violates this subsection and uses or attempts
2 2 to use a dangerous weapon, as defined in section 702.7, or
2 3 ~~inflicts~~ the violation results in serious injury to another,
2 4 the person commits a class "C" felony.

2 5 EXPLANATION

2 6 This bill relates to the criminal offense of interference
2 7 with official acts.

2 8 The bill provides that a person commits the offense of
2 9 interference with official acts if the violation results in
2 10 bodily or serious injury to a peace officer, emergency medical
2 11 care provider, correctional officer, or other member of a
2 12 protected class under Code section 719.1.

2 13 Current law provides that a person commits the offense
2 14 of interference with official acts if the person inflicts or
2 15 attempts to inflict bodily or serious injury.

2 16 Under the bill, if a person commits interference with
2 17 official acts that results in bodily injury to a member
2 18 of a protected class, the person commits an aggravated
2 19 misdemeanor if the injury is to a peace officer or emergency
2 20 medical officer, or a class "D" felony if the injury is to a
2 21 correctional officer.

2 22 If a person commits interference with official acts that
2 23 results in serious injury, the person commits a class "D"
2 24 felony if the injury is to a peace officer or emergency
2 25 medical officer, or a class "C" felony if the injury is to a
2 26 correctional officer.

LSB 2205YC (1) 84

jm/nh



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House Study Bill 70

HOUSE FILE
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the criminal offense of intimidation with a
2 dangerous weapon or motor vehicle, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2208YC (1) 84
jm/nh



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House Study Bill 70 continued

PAG LIN

1 1 Section 1. Section 708.6, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:

1 3 708.6 Intimidation with a dangerous weapon or motor vehicle.

1 4 1. A person commits intimidation with a dangerous weapon
1 5 when the person shoots, throws, launches, or discharges a
1 6 dangerous weapon at, into, or in a building, vehicle, airplane,
1 7 railroad engine, railroad car, or boat, occupied by another
1 8 person, or within an assembly of people, and thereby places
1 9 the occupants or people in reasonable apprehension of serious
1 10 injury or threatens to commit such an act under circumstances
1 11 raising a reasonable expectation that the threat will be
1 12 carried out.

1 13 2. A person commits intimidation with a motor vehicle
1 14 when the person drives a motor vehicle at or into a building,
1 15 vehicle, airplane, railroad engine, railroad car, or boat,
1 16 occupied by another person, or at or into an assembly
1 17 of people, and thereby places the occupants or people in
1 18 reasonable apprehension of serious injury or threatens to
1 19 commit such an act under circumstances raising a reasonable
1 20 expectation that the threat will be carried out.

1 21 3. a. A person who commits intimidation with a dangerous
1 22 weapon is guilty of a class "D" felony.

1 23 b. A person who commits intimidation with a motor vehicle is
1 24 guilty of a class "D" felony.

1 25 4. a. A person who commits intimidation with a dangerous
1 26 weapon with the intent to injure or provoke fear or anger in
1 27 another is guilty of a class "C" felony.

1 28 b. A person who commits intimidation with a motor vehicle
1 29 with the intent to injure or provoke fear or anger in another
1 30 is guilty of a class "C" felony.

1 31 EXPLANATION

1 32 This bill relates to the criminal offense of intimidation
1 33 with a dangerous weapon or motor vehicle.

1 34 The bill reorganizes Code section 708.6 and creates the
1 35 criminal offense of intimidation with a motor vehicle.



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House Study Bill 70 continued

2 1 The bill does not modify the existing criminal offense of
2 2 intimidation with a dangerous weapon.

2 3 Under the bill, a person commits intimidation with a motor
2 4 vehicle if the person drives a motor vehicle at or into a
2 5 building, vehicle, airplane, railroad engine, railroad car, or
2 6 boat, occupied by another person, or at or into an assembly
2 7 of people, placing the occupants or people in reasonable
2 8 apprehension of serious injury or threatens to commit such an
2 9 act under circumstances raising a reasonable expectation that
2 10 the threat will be carried out.

2 11 A person who commits intimidation with a motor vehicle is
2 12 guilty of a class "D" felony.

2 13 A person who commits intimidation with a motor vehicle with
2 14 the intent to injure or provoke fear or anger in another is
2 15 guilty of a class "C" felony.

2 16 A class "D" felony is punishable by confinement for no more
2 17 than five years and a fine of at least \$750 but not more than
2 18 \$7,500. A class "C" felony is punishable by confinement for no
2 19 more than 10 years and a fine of at least \$1,000 but not more
2 20 than \$10,000.

LSB 2208YC (1) 84

jm/nh



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House Study Bill 71

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

A BILL FOR

1 An Act repealing the statewide voluntary preschool program
2 for four-year-old children and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1951YC (3) 84
jp/nh



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House Study Bill 71 continued

PAG LIN

1 1 Section 1. Section 237A.21, subsection 3, paragraph p, Code
1 2 2011, is amended by striking the paragraph.

1 3 Sec. 2. Section 237A.22, subsection 1, paragraphs f and g,
1 4 Code 2011, are amended to read as follows:

1 5 f. Make recommendations for improving collaborations between
1 6 the child care programs involving the department and programs
1 7 supporting the education and development of young children
1 8 including but not limited to the federal head start program,
~~1 9 the statewide preschool program for four-year-old children~~
1 10 and the early childhood, at-risk, and other early education
1 11 programs administered by the department of education.

1 12 g. Make recommendations for eliminating duplication and
1 13 otherwise improving the eligibility determination processes
1 14 used for the state child care assistance program and other
1 15 programs supporting low-income families, including but not
1 16 limited to the federal head start, early head start, and even
1 17 start programs; the early childhood, at-risk, and ~~preschool~~
~~1 18 prekindergarten~~ programs administered by the department of
1 19 education; the family and self-sufficiency grant program; and
1 20 the family investment program.

1 21 Sec. 3. Section 256.11, subsection 1, paragraph c, Code
1 22 2011, is amended by striking the paragraph.

1 23 Sec. 4. Section 257.16, subsection 1, Code 2011, is amended
1 24 to read as follows:

1 25 1. There is appropriated each year from the general fund
1 26 of the state an amount necessary to pay the foundation aid
1 27 under this chapter, ~~the preschool foundation aid under chapter~~
~~1 28 256C~~, supplementary aid under section 257.4, subsection 2, and
1 29 adjusted additional property tax levy aid under section 257.15,
1 30 subsection 4.

1 31 Sec. 5. Section 272.2, subsection 18, Code 2011, is amended
1 32 to read as follows:

1 33 18. May adopt rules for practitioners who are not eligible
1 34 for a statement of professional recognition under subsection
1 35 10, but have received a baccalaureate degree and provide a



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House Study Bill 71 continued

2 1 service to students at any or all levels from prekindergarten
 2 2 through grade twelve for a school district, accredited
 2 3 nonpublic school, or area education agency, ~~or preschool~~
~~2 4 program established pursuant to chapter 256C.~~

2 5 Sec. 6. Section 285.1, subsection 1, paragraph a,
 2 6 subparagraph (3), Code 2011, is amended to read as follows:

2 7 (3) Children attending prekindergarten programs offered or
 2 8 sponsored by the district or nonpublic school and approved by
 2 9 the department of education or department of human services
~~2 10 or children participating in preschool in an approved local~~
~~2 11 program under chapter 256C~~ may be provided transportation
 2 12 services. However, transportation services provided to
 2 13 nonpublic school children are not eligible for reimbursement
 2 14 under this chapter.

2 15 Sec. 7. REPEAL. Chapter 256C, Code 2011, is repealed.

2 16 Sec. 8. STATEWIDE VOLUNTARY PRESCHOOL. It is the intent
 2 17 of the general assembly to fill the needs addressed by the
 2 18 statewide preschool program for four-year-old children repealed
 2 19 by this Act by expanding preschool tuition assistance for
 2 20 low-income families.

2 21 Sec. 9. EFFECTIVE UPON ENACTMENT. The section of this
 2 22 Act stating legislative intent to fill the needs addressed by
 2 23 the statewide preschool program for four-year-old children
 2 24 by expanding preschool tuition assistance for low-income
 2 25 families, being deemed of immediate importance, takes effect
 2 26 upon enactment.

EXPLANATION

2 27
 2 28 This bill repeals the statewide voluntary preschool program
 2 29 in Code chapter 256C effective July 1, 2011, along with the
 2 30 associated school aid funding provisions. A legislative intent
 2 31 provision calls for filling the needs addressed by the program
 2 32 through expansion of the preschool tuition assistance program
 2 33 provided to low-income families and this provision takes effect
 2 34 upon enactment. The bill makes conforming amendments to
 2 35 various Code sections to reflect the repeal.

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jp/nh



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House Study Bill 72

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON WAGNER)

A BILL FOR

1 An Act setting a maximum fee for the publication of certain
2 legal notices in a newspaper.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2135YC (2) 84
aw/sc



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House Study Bill 72 continued

PAG LIN

1 1 Section 1. Section 618.11, Code 2011, is amended to read as
1 2 follows:
1 3 618.11 Fees for publication.
1 4 The compensation, ~~when not otherwise fixed,~~ for the
1 5 publication in a newspaper of any notice, order, citation,
1 6 or other publication required or allowed by law shall be
1 7 at a rate of ~~thirty-four cents not to exceed twenty-five~~
1 8 dollars for one each insertion and twenty-three cents for each
1 9 ~~subsequent insertion for each line of eight point type two~~
1 10 ~~inches in length, or its equivalent. Beginning June 1, 2001,~~
1 11 ~~and each June 1 thereafter, the director of the department~~
1 12 ~~of administrative services shall calculate a new rate for~~
1 13 ~~the following fiscal year as prescribed in this section, and~~
1 14 ~~shall publish this rate as a notice in the Iowa administrative~~
1 15 ~~bulletin prior to the first day of the following calendar~~
1 16 ~~month. The new rate shall be effective on the first day of the~~
1 17 ~~calendar month following its publication. The rate shall be~~
1 18 ~~calculated by applying the percentage change in the consumer~~
1 19 ~~price index for all urban consumers for the last available~~
1 20 ~~twelve-month period published in the federal register by the~~
1 21 ~~federal department of labor, bureau of labor statistics, to the~~
1 22 ~~existing rate as an increase or decrease in the rate rounded~~
1 23 ~~to the nearest one-tenth of a cent. The calculation and~~
1 24 ~~publication of the rate by the director of the department of~~
1 25 ~~administrative services shall be exempt from the provisions of~~
1 26 ~~chapters 17A and 25B.~~
1 27 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 28 3, shall not apply to this Act.
1 29 EXPLANATION
1 30 This bill sets a maximum fee for the publication of certain
1 31 legal notices within a newspaper.
1 32 The bill sets a maximum fee of \$25 for each insertion
1 33 for newspaper publication of any notice, citation, or other
1 34 publication required or allowed by law.
1 35 Current law requires that when the fee for certain



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House Study Bill 72 continued

2 1 publications are not otherwise fixed, that the fee will be
2 2 set at 34 cents for each line of one insertion and 23 cents
2 3 for each line of each additional insertion. Current law also
2 4 requires that each June, beginning in 2001, the director of
2 5 the department of administrative services calculate a new rate
2 6 for the following fiscal year. Current law requires that the
2 7 director publish this new rate within the Iowa administrative
2 8 bulletin before the first day of the next calendar month, and
2 9 the new rate is effective the first day of the calendar month
2 10 following publication. Current law provides the method for
2 11 calculating this rate, and the process is exempt from the
2 12 requirements of chapters 17A and 25B of the Code.

2 13 The bill may include a state mandate as defined in Code
2 14 section 25B.3. The bill makes inapplicable Code section 25B.2,
2 15 subsection 3, which would relieve a political subdivision from
2 16 complying with a state mandate if funding for the cost of
2 17 the state mandate is not provided or specified. Therefore,
2 18 political subdivisions are required to comply with any state
2 19 mandate included in the bill.

LSB 2135YC (2) 84

aw/sc



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Senate Amendment 3008

PAG LIN

1 1 Amend the amendment, S=3006, to Senate Resolution 3
1 2 as follows:
1 3 #1. Page 1, after line 3 by inserting:
1 4 <___. Page 3, line 7, after <senator> by inserting
1 5 or the spouse of a senator>
1 6 ___. Page 3, line 8, after <but> by inserting <the
1 7 senator>
1 8 ___. Page 3, line 11, after <senator> by inserting
1 9 or the spouse of a senator>
1 10 ___. Page 3, line 13, after <senator> by inserting
1 11 <or the spouse of a senator >>
1 12 #2. By renumbering as necessary.

MARK CHELGREN
S3006.261 (1) 84
tm/rj



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Senate Concurrent Resolution 4 - Introduced

PAG LIN

SENATE CONCURRENT RESOLUTION NO.

BY KIBBIE

1 1 A Concurrent Resolution directing the Office of
1 2 Citizens' Aide/Ombudsman to perform mediation
1 3 services, under the direction of the Legislative
1 4 Council, to resolve a dispute between the board of
1 5 trustees of a drainage district and residents of
1 6 land in the district.
1 7 WHEREAS, on December 15, 2010, the Levee and
1 8 Drainage District Law Study Committee, as appointed by
1 9 the Legislative Council, met to consider a number of
1 10 issues affecting districts organized under chapter 468
1 11 of the Iowa Code; and
1 12 WHEREAS, the committee considered testimony and
1 13 evidence presented by persons involved in a dispute
1 14 concerning Muscatine=Louisa Drainage District 13; and
1 15 WHEREAS, the dispute involves the dredging of a
1 16 drainage ditch ordered by the Muscatine=Louisa Drainage
1 17 District 13 Board of Trustees and its decision to
1 18 dispose of the resulting spoil on the residential
1 19 property of district landowners who are not engaged in
1 20 farming; and
1 21 WHEREAS, the Levee and Drainage District Law
1 22 Study Committee recommended that the General Assembly
1 23 consider legislation authorizing the Office of
1 24 Citizens' Aide/Ombudsman to provide mediation services
1 25 to assist in settling the dispute; NOW THEREFORE,
1 26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
1 27 REPRESENTATIVES CONCURRING, That the Office of
1 28 Citizens' Aide/Ombudsman offer mediation services,



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Senate Concurrent Resolution 4 - Introduced continued

2 1 under the supervision of the Legislative Council, to
2 2 the parties involved in this dispute; and
2 3 BE IT FURTHER RESOLVED, That the parties to this
2 4 dispute are encouraged to cooperate with the Office
2 5 of Citizens' Aide/Ombudsman in order to find common
2 6 ground and achieve a lasting solution, that satisfies
2 7 all parties; and
2 8 BE IT FURTHER RESOLVED, That the Office of Citizens'
2 9 Aide/Ombudsman provide a report to the Legislative
2 10 Council regarding the resolution of this issue by
2 11 December 1, 2011; and
2 12 BE IT FURTHER RESOLVED, That a copy of this
2 13 resolution be sent by mail or electronic means to Ms.
2 14 Ruth H. Cooperrider, Citizens' Aide/Ombudsman; to the
2 15 Board of Trustees of Muscatine=Louisa Drainage District
2 16 13; and to the following residents of Muscatine County:
2 17 Mr. Russell Alderin, Mr. Todd Reinsager, and Mr. Bill
2 18 Haag.
LSB 2056SS (3) 84
da/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 03, 2011

Senate File 141 - Introduced

SENATE FILE
BY JOHNSON

A BILL FOR

1 An Act concerning the legislative members of the college
2 student aid commission and including applicability date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1984XS (3) 84
je/nh



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Senate File 141 - Introduced continued

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1 1 Section 1. Section 261.1, subsection 2, paragraph c,
1 2 subparagraphs (1) and (2), Code 2011, are amended to read as
1 3 follows:

1 4 (1) ~~Two members~~ One member of the senate, ~~one~~ to be
1 5 appointed by the president of the senate ~~and one to be~~
~~1 6 appointed by after consultation with the majority leader and~~
1 7 the minority leader of the senate, to serve as an ex officio,
1 8 nonvoting ~~members~~ member.

1 9 (2) ~~Two members~~ One member of the house of representatives,
1 10 ~~one~~ to be appointed by the speaker of the house of
1 11 representatives ~~and one to be appointed by after consultation~~
1 12 with the majority leader and the minority leader of the house
1 13 of representatives, to serve as an ex officio, nonvoting
1 14 ~~members~~ member.

1 15 Sec. 2. Section 261.1, subsection 2, paragraph c, Code 2011,
1 16 is amended by adding the following new subparagraph:

1 17 NEW SUBPARAGRAPH. (4) The two legislative members of the
1 18 commission shall not be members of the same political party.
1 19 The president of the senate and the speaker of the house of
1 20 representatives shall consult with one another prior to any
1 21 appointment made pursuant to this paragraph "c" to ensure the
1 22 requirement in this subparagraph is met.

1 23 Sec. 3. APPLICABILITY. This Act applies to the appointment
1 24 of legislative members of the college student aid commission
1 25 for the term beginning upon the convening of the Eighty=fifth
1 26 General Assembly.

EXPLANATION

1 27
1 28 Under current law, there are four ex officio, nonvoting
1 29 legislative members of the college student aid commission. Two
1 30 members are from the senate, one appointed by the president
1 31 of the senate and one appointed by the minority leader of the
1 32 senate. Two members are from the house of representatives,
1 33 one appointed by the speaker of the house of representatives
1 34 and one appointed by the minority leader of the house of
1 35 representatives.



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Senate File 141 - Introduced continued

2 1 This bill provides that there shall be two ex officio,
2 2 nonvoting legislative members of the college student aid
2 3 commission. One shall be from the senate, appointed by the
2 4 president of the senate after consultation with the majority
2 5 leader and the minority leader of the senate, and one shall be
2 6 from the house of representatives, appointed by the speaker
2 7 of the house of representatives after consultation with
2 8 the majority leader and the minority leader of the house of
2 9 representatives.

2 10 The bill provides that the two legislative members of the
2 11 commission shall not be members of the same political party.
2 12 The bill directs the president of the senate and the speaker of
2 13 the house of representatives to consult with one another prior
2 14 to any appointment made pursuant to the bill to carry out that
2 15 requirement.

2 16 The bill applies to the appointment of legislative members
2 17 of the college student aid commission for the term beginning
2 18 upon the convening of the Eighty=fifth General Assembly.

LSB 1984XS (3) 84

je/nh



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Senate File 142 - Introduced

SENATE FILE

BY ANDERSON, BERTRAND,
JOHNSON, ERNST,
McKINLEY, GREINER,
KAPUCIAN, BACON,
WHITVER, SMITH,
FEENSTRA, ZAUN,
BOETTGER, HAMERLINCK,
HAHN, CHELGREN,
KETTERING, and BARTZ

A BILL FOR

1 An Act establishing a requirement for voters to provide certain
2 photo identification when voting in person and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2108SS (4) 84
sc/nh



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Senate File 142 - Introduced continued

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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:



Iowa General Assembly
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Senate File 142 - Introduced continued

- 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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Senate File 142 - Introduced continued

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:
3 35 Information received from the United States postal service



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Senate File 142 - Introduced continued

4 1 indicates that you are no longer a resident of, and therefore
4 2 not eligible to vote in (name of county) County, Iowa. If this
4 3 information is not correct, and you still live in (name of
4 4 county) County, please complete and mail the attached postage
4 5 paid card at least ten days before the primary or general
4 6 election and at least eleven days before any other election at
4 7 which you wish to vote. If the information is correct and you
4 8 have moved, please contact a local official in your new area
4 9 for assistance in registering there. ~~If you do not mail in~~
~~4 10 the card, you may be required to show identification before~~
~~4 11 being allowed to vote in (name of county) County.~~ If you do not
4 12 return the card, and you do not vote in an election in (name
4 13 of county) County, Iowa, on or before (date of second general
4 14 election following the date of the notice) your name will be
4 15 removed from the list of voters in that county.
4 16 Sec. 9. Section 48A.29, subsection 1, paragraph b, Code
4 17 2011, is amended to read as follows:
4 18 b. The notice shall contain a statement in substantially the
4 19 following form:
4 20 Information received from the United States postal service
4 21 indicates that you are no longer a resident of (residence
4 22 address) in (name of county) County, Iowa. If this information
4 23 is not correct, and you still live in (name of county) County,
4 24 please complete and mail the attached postage paid card at
4 25 least ten days before the primary or general election and at
4 26 least eleven days before any other election at which you wish
4 27 to vote. If the information is correct, and you have moved,
4 28 please contact a local official in your new area for assistance
4 29 in registering there. ~~If you do not mail in the card, you may~~
~~4 30 be required to show identification before being allowed to vote~~
~~4 31 in (name of county) County.~~ If you do not return the card, and
4 32 you do not vote in some election in (name of county) County,
4 33 Iowa, on or before (date of second general election following
4 34 the date of the notice) your name will be removed from the list
4 35 of voters in that county.



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5 1 Sec. 10. Section 48A.29, subsection 3, paragraph b, Code
5 2 2011, is amended to read as follows:
5 3 b. The notice shall contain a statement in substantially the
5 4 following form:
5 5 Information received by this office indicates that you are no
5 6 longer a resident of (residence address) in (name of county)
5 7 County, Iowa. If the information is not correct, and you still
5 8 live at that address, please complete and mail the attached
5 9 postage paid card at least ten days before the primary or
5 10 general election and at least eleven days before any other
5 11 election at which you wish to vote. If the information is
5 12 correct, and you have moved within the county, you may update
5 13 your registration by listing your new address on the card and
5 14 mailing it back. If you have moved outside the county, please
5 15 contact a local official in your new area for assistance in
5 16 registering there. ~~If you do not mail in the card, you may be~~
~~5 17 required to show identification before being allowed to vote in~~
~~5 18 (name of county) County.~~ If you do not return the card, and you
5 19 do not vote in some election in (name of county) County, Iowa,
5 20 on or before (date of second general election following the
5 21 date of the notice) your name will be removed from the list of
5 22 registered voters in that county.
5 23 Sec. 11. Section 49.77, subsection 3, Code 2011, is amended
5 24 by striking the subsection and inserting in lieu thereof the
5 25 following:
5 26 3. a. A precinct election official shall require the voter
5 27 to produce for inspection proof of identification before being
5 28 allowed to sign the voter roster or declaration of eligibility.
5 29 b. For purposes of this section, "proof of identification"
5 30 refers to a document that satisfies all of the following:
5 31 (1) The document shows the name of the individual to whom
5 32 the document was issued which shall conform to the name on the
5 33 election register.
5 34 (2) The document shows a photograph of the individual to
5 35 whom it was issued.



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6 1 (3) If the document contains an expiration date, the
6 2 document shall not have expired more than sixty days before the
6 3 document is presented as proof of identification.

6 4 (4) The document was issued by the government of the United
6 5 States or the state of Iowa, including documents issued by an
6 6 institution governed by the state board of regents.

6 7 c. If a voter is unable or refuses to present proof of
6 8 identification or the precinct election official determines the
6 9 proof of identification provided by the voter does not qualify
6 10 as proof of identification under paragraph "b", the precinct
6 11 election official shall challenge the voter as provided in
6 12 section 49.79. If the voter is challenged under this paragraph
6 13 "c", the voter shall be offered the option to vote a ballot, but
6 14 only in accordance with section 49.81.

6 15 Sec. 12. Section 49.77, Code 2011, is amended by adding the
6 16 following new subsection:

6 17 NEW SUBSECTION. 3A. If proof of identification is
6 18 established under subsection 3 to the satisfaction of the
6 19 precinct election officials, the person may then be allowed to
6 20 vote.

6 21 Sec. 13. Section 49.77, subsection 4, paragraphs a and b,
6 22 Code 2011, are amended to read as follows:

6 23 a. A person whose name does not appear on the election
6 24 register of the precinct in which that person claims the right
6 25 to vote shall not be permitted to vote, unless the person
6 26 affirms that the person is currently registered in the county
6 27 and presents proof of ~~identity, or the commissioner informs~~
~~6 28 the precinct election officials that an error has occurred~~
~~6 29 and that the person is a registered voter of that precinct~~
~~6 30 identification pursuant to subsection 3.~~ If the commissioner
6 31 finds no record of the person's registration but the person
6 32 insists that the person is a registered voter of that precinct,
6 33 the precinct election officials shall allow the person to cast
6 34 a ballot in the manner prescribed by section 49.81.

6 35 b. If the voter informs the precinct election official that



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7 1 the voter resides in the precinct and is not registered to
7 2 vote, the voter may register to vote pursuant to section 48A.7A
7 3 and cast a ballot. If such a voter is unable to establish
7 4 identity and residency in the manner provided in section
7 5 48A.7A, subsection 1, paragraph "b" ~~or "c"~~, the voter shall be
7 6 allowed to cast a ballot in the manner prescribed by section
7 7 49.81.

7 8 Sec. 14. Section 49.79, subsection 2, Code 2011, is amended
7 9 by adding the following new paragraph:

7 10 NEW PARAGRAPH. h. The challenged person was unable or
7 11 refused to provide proof of identification, or provided
7 12 insufficient proof of identification, pursuant to section
7 13 49.77, subsection 3.

7 14 Sec. 15. Section 49.81, subsection 1, Code 2011, is amended
7 15 to read as follows:

7 16 1. A prospective voter who is prohibited under section
7 17 48A.8, subsection 4, section 49.77, subsection 3 or 4, section
7 18 49.80, or section 53.19, subsection 3, from voting except under
7 19 this section shall be notified by the appropriate precinct
7 20 election official that the voter may cast a provisional
7 21 ballot. The voter shall mark the ballot and immediately
7 22 seal it in an envelope of the type prescribed by subsection
7 23 4. The voter shall deliver the sealed envelope to a precinct
7 24 election official who shall deposit it in an envelope marked
7 25 "provisional ballots". The ballot shall be considered as
7 26 having been cast in the special precinct established by section
7 27 53.20 for purposes of the postelection canvass.

7 28 Sec. 16. Section 49.81, subsection 2, paragraph b, Code
7 29 2011, is amended to read as follows:

7 30 b. If the person is casting a provisional ballot because the
7 31 person ~~failed~~ was unable or refused to provide a required form
7 32 of identification under section 48A.7A, subsection 1, section
7 33 48A.8, subsection 4, or section 49.77, subsection 3, a list of
7 34 the types of acceptable identification and notification that
7 35 the person must show identification before the ballot can be



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Senate File 142 - Introduced continued

8 1 counted. If a voter is unable or refuses to show proof of
8 2 identification required under section 49.77, subsection 3,
8 3 the notification shall also inform the voter of the right to
8 4 execute an affidavit pursuant to subsection 5.

8 5 Sec. 17. Section 49.81, Code 2011, is amended by adding the
8 6 following new subsection:

8 7 NEW SUBSECTION. 5. a. If a voter casts a provisional
8 8 ballot pursuant to section 49.77, subsection 3, the precinct
8 9 election official shall indicate on the provisional ballot
8 10 envelope that the voter was challenged for the voter's
8 11 inability or refusal to provide proof of identification.

8 12 b. No later than noon on the Monday following the election,
8 13 a voter challenged pursuant to section 49.77, subsection 3,
8 14 paragraph "c", shall appear at the commissioner's office
8 15 and execute an affidavit in the form prescribed by the state
8 16 commissioner, affirming that the voter is the same individual
8 17 who personally appeared before the precinct election board and
8 18 cast the provisional ballot on election day. The voter must
8 19 also present proof of identification required by section 49.77,
8 20 subsection 3, or further affirm either of the following:

8 21 (1) The voter is indigent and unable to obtain proof of
8 22 identification without the payment of a fee.

8 23 (2) The voter has a religious objection to being
8 24 photographed.

8 25 c. If the board determines that the voter has been
8 26 challenged solely for the inability or refusal of the voter to
8 27 provide proof of identification and the voter presents proof
8 28 of identification or executes the affidavit, as provided in
8 29 paragraph "b", the board shall find that the provisional ballot
8 30 is valid and direct that it be counted.

8 31 Sec. 18. Section 53.10, subsection 2, Code 2011, is amended
8 32 to read as follows:

8 33 2. Each person who wishes to vote by absentee ballot at
8 34 the commissioner's office shall first sign an application for
8 35 a ballot including the following information: name, current



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Senate File 142 - Introduced continued

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

9 14 Sec. 19. Section 53.22, subsection 1, Code 2011, is amended
9 15 by adding the following new paragraph:

9 16 NEW PARAGRAPH. d. Before receiving a ballot under
9 17 this subsection, each applicant shall present proof of
9 18 identification pursuant to section 49.77, subsection 3, to the
9 19 special precinct election board members. If an applicant is
9 20 unable to present proof of identification, the voter's ballot
9 21 shall be considered a provisional ballot cast pursuant to
9 22 section 49.81, and the special precinct election board members
9 23 shall give the voter an opportunity to execute an affidavit
9 24 in a form prescribed by the state commissioner affirming
9 25 either of the reasons listed in section 49.81, subsection 5,
9 26 paragraph "b", or that the voter is confined to the health care
9 27 facility or hospital and therefore unable to obtain proof of
9 28 identification.

9 29 Sec. 20. Section 144.46, Code 2011, is amended by adding the
9 30 following new subsection:

9 31 NEW SUBSECTION. 3. The fees adopted by the department
9 32 pursuant to subsection 1 shall not be assessed to applicants
9 33 who execute an affidavit indicating the applicant is obtaining
9 34 a certified copy of a birth certificate for the purpose of
9 35 obtaining an Iowa nonoperator's identification card to be used



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Senate File 142 - Introduced continued

10 1 for voting.

10 2 Sec. 21. Section 321.190, subsection 1, paragraph d, Code
10 3 2011, is amended to read as follows:

10 4 d. The fee for a nonoperator's identification card shall
10 5 be five dollars and the card shall be valid for a period
10 6 of five years from the date of issuance. A nonoperator's
10 7 identification card shall be issued without expiration
10 8 to anyone age seventy or over. If an applicant for a
10 9 nonoperator's identification card is a foreign national
10 10 who is temporarily present in this state, the nonoperator's
10 11 identification card shall be issued only for the length of time
10 12 the foreign national is authorized to be present as determined
10 13 by the department, not to exceed two years. An issuance fee
10 14 shall not be charged for a person whose driver's license or
10 15 driving privilege has been suspended under section 321.210,
10 16 subsection 1, paragraph "a", subparagraph (3), or for a person
10 17 obtaining an identification card to be used under section
10 18 49.77, subsection 3, for voting purposes.

10 19 Sec. 22. EFFECTIVE DATE AND APPLICABILITY. This Act takes
10 20 effect January 1, 2012, and applies to elections held on or
10 21 after that date.

10 22 EXPLANATION

10 23 This bill requires that all voters show proof of
10 24 identification, as defined in the bill, before being allowed
10 25 to vote at the polls or to vote an absentee ballot in person
10 26 at the commissioner's office or at a satellite absentee voting
10 27 station.

10 28 The bill allows a voter to cast a provisional ballot in
10 29 certain circumstances where the voter is unable to provide or
10 30 refuses to provide the required proof of identification. If
10 31 a voter casts a provisional ballot for this reason, the voter
10 32 has until the Monday following the election to appear at the
10 33 commissioner's office to present proof of identification or to
10 34 execute an affidavit.

10 35 The bill amends Code section 48A.7A, relating to election



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Senate File 142 - Introduced continued

11 1 day and in=person absentee voter registration, to require that
11 2 the forms of identification necessary to register in this
11 3 manner are the same forms of proof of identification necessary
11 4 to vote. The bill retains the current requirement that if the
11 5 proof of identification offered for election day and in=person
11 6 absentee registration does not contain a current address, the
11 7 registrant must provide proof of residency.

11 8 Code section 48A.7A is also amended to strike the provision
11 9 allowing another registered voter to sign an oath affirming a
11 10 registrant's identity and residency.

11 11 The bill makes corresponding amendments regarding
11 12 identification requirements for certain persons who register to
11 13 vote by mail and for registered voters who do not respond to a
11 14 confirmation card sent by the county commissioner of elections.

11 15 The bill amends Code section 144.46, relating to obtaining
11 16 a certified copy of a birth certificate, to provide that the
11 17 fee for the document shall not be charged to a person who
11 18 executes an affidavit indicating the applicant is obtaining
11 19 the birth certificate in order to obtain an Iowa nonoperator's
11 20 identification card for the purposes of voting. The bill also
11 21 amends Code section 321.190 to provide that a person obtaining
11 22 an Iowa nonoperator's identification card for the purposes of
11 23 voting is not required to pay an issuance fee for the card.

11 24 The bill takes effect January 1, 2012, and applies to
11 25 elections held on or after that date.



Iowa General Assembly
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Senate File 143 - Introduced

SENATE FILE
BY FEENSTRA

A BILL FOR

1 An Act relating to awards of financial assistance under the
2 community attraction and tourism program and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1797XS (2) 84
tw/sc



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1 1 Section 1. Section 15F.204, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 10. If an application for financial
1 4 assistance under the program has been approved by the board
1 5 pursuant to section 15F.203 but the moneys have not been
1 6 disbursed by the treasurer of state, those moneys shall be
1 7 deemed obligated and encumbered. A failure to timely disburse
1 8 such moneys shall constitute a breach of contract by the state.

1 9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill provides that applications for financial
1 13 assistance under the community attraction and tourism program
1 14 that have been approved by the vision Iowa board constitute
1 15 obligated and encumbered moneys and that the treasurer of state
1 16 must disburse such moneys or be in breach of contract.

1 17 The bill takes effect upon enactment.

LSB 1797XS (2) 84

tw/sc



Iowa General Assembly
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Senate File 144 - Introduced

SENATE FILE
BY FEENSTRA

A BILL FOR

1 An Act requiring the natural resource commission to issue a
2 request for proposals for the provision of certain services
3 in state parks and recreation areas.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2133XS (3) 84
av/nh



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1 1 Section 1. OPERATION OF STATE PARKS AND RECREATION AREAS =====
1 2 REQUEST FOR PROPOSALS.

1 3 1. The natural resource commission shall, by rules adopted
1 4 pursuant to chapter 17A, establish a competitive selection
1 5 process for the awarding of contracts to eligible private
1 6 entities to provide certain services in state parks and
1 7 recreation areas.

1 8 2. The procedure established shall include issuance of a
1 9 formal request for proposals by the commission. The request
1 10 for proposals shall provide private entities with sufficient
1 11 information about the commission's requirements and goals to
1 12 allow the entities to propose solutions to those requirements
1 13 and goals, including increasing services and reducing costs in
1 14 state parks and recreation areas.

1 15 EXPLANATION

1 16 This bill requires the natural resource commission, by rule,
1 17 to establish a competitive selection process for the awarding
1 18 of contracts to eligible private entities to provide certain
1 19 services in state parks and recreation areas.

1 20 The procedure established must include issuance of a formal
1 21 request for proposals that provides private entities with
1 22 sufficient information about the commission's requirements and
1 23 goals to allow the entities to propose solutions, including
1 24 increasing services and reducing costs in state parks and
1 25 recreation areas.

LSB 2133XS (3) 84
av/nh



Iowa General Assembly
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Senate File 145 - Introduced

SENATE FILE
BY DANDEKAR and SODDERS

A BILL FOR

1 An Act providing for a manufacturing jobs program and including
2 retroactive applicability provisions.

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

TLSB 1059XS (7) 84

tw/sc



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Senate File 145 - Introduced continued

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1 1 DIVISION I
1 2 MANUFACTURING JOBS PROGRAM
1 3 Section 1. NEW SECTION. 15.321 Short title.
1 4 This part shall be known and may be cited as the
1 5 "Manufacturing Jobs Program".
1 6 Sec. 2. NEW SECTION. 15.322 Definitions.
1 7 1. "Capital investment" means expenditures that are made by
1 8 an eligible manufacturer to retool or reconfigure a facility
1 9 and that are directly related to the manufacturing of a new
1 10 product or to the expansion of production capacity for an
1 11 existing product.
1 12 2. "Department" means the department of economic
1 13 development.
1 14 3. "Eligible manufacturer" means a manufacturer meeting the
1 15 requirements of section 15.323.
1 16 4. "Facility" means a building or other structure at which
1 17 an eligible manufacturer manufactures a product.
1 18 5. "Program" means the manufacturing jobs program
1 19 established pursuant to this part.
1 20 Sec. 3. NEW SECTION. 15.323 Eligible manufacturer.
1 21 1. To be eligible to receive incentives under the program
1 22 described in this part, a manufacturer shall meet all of the
1 23 following conditions:
1 24 a. Be an Iowa-based business manufacturing goods at a
1 25 facility in Iowa.
1 26 b. Have a North American industry classification system code
1 27 within the manufacturing sector range 31-33.
1 28 c. Increase manufacturing activities in the state either by
1 29 manufacturing a new product or by expanding production capacity
1 30 for an existing product.
1 31 d. Make a minimum capital investment. For purposes of this
1 32 paragraph, the amount of the minimum capital investment shall
1 33 be:
1 34 (1) Twenty-five thousand dollars per job, in the case of a
1 35 new product.



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Senate File 145 - Introduced continued

2 1 (2) Fifteen thousand dollars per job, in the case of
2 2 expanded capacity for an existing product.
2 3 e. Meet all of the requirements of an eligible business
2 4 under section 15.329 except the qualifying investment amount in
2 5 section 15.329, subsection 1, paragraph "a".
2 6 2. A manufacturer receiving assistance under this part
2 7 shall not be eligible for assistance under the high quality
2 8 jobs program described in part 13 of this subchapter.
2 9 Sec. 4. NEW SECTION. 15.324 Agreement.
2 10 1. An eligible manufacturer receiving financial assistance
2 11 under the program shall enter into an agreement with the
2 12 department specifying the requirements that must be met to
2 13 confirm eligibility pursuant to this part.
2 14 2. An agreement entered into under the program shall conform
2 15 to the minimum requirements specified in section 15.330.
2 16 Sec. 5. NEW SECTION. 15.325 Manufacturing activities tax
2 17 credit.
2 18 1. a. An eligible manufacturer may claim a tax credit
2 19 against the taxes imposed in chapter 422, division II or
2 20 III equal to one hundred percent of the amount of capital
2 21 investment directly related to increasing manufacturing
2 22 activities in the state.
2 23 b. An individual may claim the tax credit under this
2 24 subsection of a partnership, limited liability company,
2 25 S corporation, estate, or trust electing to have income
2 26 taxed directly to the individual. The amount claimed by the
2 27 individual shall be based upon the pro rata share of the
2 28 individual's earnings from the partnership, limited liability
2 29 company, S corporation, estate, or trust.
2 30 c. Any tax credit in excess of the tax liability for the tax
2 31 year may be credited to the tax liability for the following ten
2 32 years or until depleted, whichever occurs first.
2 33 d. (1) Subject to prior approval by the department, in
2 34 consultation with the department of revenue, an eligible
2 35 manufacturer may elect to receive a refund of all or a portion



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3 1 of any unused tax credit in excess of the tax liability.
3 2 (2) If the eligible manufacturer is a partnership, S
3 3 corporation, limited liability company, or estate or trust
3 4 electing to have the income taxed directly to the individual,
3 5 an individual may claim the refund allowed under subparagraph
3 6 (1). The amount claimed by the individual shall be based
3 7 upon the pro rata share of the individual's earnings of the
3 8 partnership, S corporation, limited liability company, estate,
3 9 or trust.
3 10 2. a. An eligible manufacturer shall apply to the
3 11 department of economic development for a tax credit
3 12 certificate. After reviewing the application and verifying the
3 13 eligibility of a taxpayer for a tax credit pursuant to this
3 14 section, the department shall forward the application to the
3 15 board with a recommendation on whether or not to issue a tax
3 16 credit certificate to the taxpayer. If the board approves
3 17 the application, the department shall issue a tax credit
3 18 certificate to the taxpayer. The tax credit certificate shall
3 19 contain the taxpayer's name, address, tax identification
3 20 number, the amount of the credit, the certificate expiration
3 21 date, and any other information required by the department of
3 22 revenue.
3 23 b. To claim a tax credit under this section, a taxpayer must
3 24 attach one or more tax credit certificates to the taxpayer's
3 25 tax return. The tax credit certificate or certificates
3 26 attached to the taxpayer's tax return shall be issued in the
3 27 taxpayer's name, and the expiration date on the certificate
3 28 shall be a date that falls on or after the last day of the
3 29 taxable year for which the taxpayer is claiming the tax credit.
3 30 c. The tax credit certificate, unless otherwise void, shall
3 31 be accepted by the department of revenue as payment for taxes
3 32 imposed pursuant to chapter 422, division II or III, subject
3 33 to any conditions or restrictions placed by the department
3 34 of economic development upon the face of the tax credit
3 35 certificate and subject to the limitations of this section.



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4 1 d. A tax credit certificate issued under this section is not
4 2 transferable to any person or entity.

4 3 3. The maximum amount of tax credit that may be claimed
4 4 under this section by an eligible manufacturer is five million
4 5 dollars.

4 6 4. The total amount of tax credits that may be approved by
4 7 the board under this section is fifteen million dollars.

4 8 Sec. 6. NEW SECTION. 15.325A Repeal.

4 9 This part is repealed on December 31, 2020.

4 10 Sec. 7. NEW SECTION. 422.11Y Manufacturing activities tax
4 11 credit.

4 12 The taxes imposed under this division shall be reduced by
4 13 a manufacturing activities tax credit in the same manner, for
4 14 the same amount, and under the same conditions as provided in
4 15 chapter 15, subchapter II, part 12.

4 16 Sec. 8. Section 422.33, Code 2011, is amended by adding the
4 17 following new subsection:

4 18 NEW SUBSECTION. 29. The taxes imposed under this division
4 19 shall be reduced by a manufacturing activities tax credit
4 20 in the same manner, for the same amount, and under the same
4 21 conditions as provided in chapter 15, subchapter II, part 12.

4 22 Sec. 9. RETROACTIVE APPLICABILITY. This division of this
4 23 Act applies retroactively to January 1, 2011, for tax years
4 24 beginning on or after that date.

4 25 DIVISION II
4 26 CONFORMING CHANGES

4 27 Sec. 10. Section 2.48, subsection 3, paragraph e, Code 2011,
4 28 is amended by adding the following new subparagraph:

4 29 NEW SUBPARAGRAPH. (10) The manufacturing activities tax
4 30 credits available under the manufacturing jobs program in
4 31 chapter 15, subchapter II, part 12.

4 32 Sec. 11. Section 15.104, subsection 8, Code 2011, is amended
4 33 by adding the following new paragraph:

4 34 NEW PARAGRAPH. n. Manufacturing jobs. Data on all
4 35 assistance provided to eligible manufacturers under the



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Senate File 145 - Introduced continued

5 1 manufacturing jobs program described in sections 15.321 through
5 2 15.325A.

5 3 EXPLANATION

5 4 This bill creates a manufacturing jobs program within the
5 5 department of economic development.

5 6 Division I of the bill creates the program. The program
5 7 provides corporate and individual income tax credits to
5 8 eligible manufacturers for 100 percent of their capital
5 9 investment directly related to increasing manufacturing
5 10 activities in the state. To be eligible, a manufacturer must
5 11 be an Iowa-based business manufacturing goods at a facility
5 12 in Iowa, have a North American Industry Classification System
5 13 code within the manufacturing sector range 31-33, increase
5 14 manufacturing activities either by manufacturing a new
5 15 product or by expanding production capacity for an existing
5 16 product, make a minimum capital investment, and meet all the
5 17 requirements of an eligible business under the high quality
5 18 jobs program specified in Code section 15.329. Meeting the
5 19 requirements of the high quality jobs program, by operation of
5 20 law, requires a manufacturer to meet certain job creation and
5 21 wage threshold requirements also required in that program and
5 22 in the grow Iowa values fund and financial assistance program.
5 23 A manufacturer receiving assistance under the manufacturing
5 24 jobs program is not eligible for assistance under the high
5 25 quality jobs program.

5 26 The division provides that the tax credits are available
5 27 against the individual and corporate income taxes. The
5 28 tax credits are refundable subject to the approval of the
5 29 department of economic development or, at the taxpayer's
5 30 election, may be carried forward against future tax liability
5 31 for up to 10 years or until depleted, whichever occurs first.
5 32 The tax credits are not transferable. The maximum amount
5 33 of tax credit that an eligible manufacturer may claim is \$5
5 34 million. The total amount of tax credits that may be approved
5 35 under the program is \$15 million.



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Senate File 145 - Introduced continued

6 1 The division applies retroactively to January 1, 2011, for
6 2 tax years beginning on or after that date.
6 3 The program is repealed on December 31, 2020.
6 4 Division II of the bill adds the program to the list of
6 5 tax credit programs to be reviewed in 2015 by the general
6 6 assembly's tax expenditure committee.
6 7 The division also requires the economic development board
6 8 to report annually on the assistance provided to eligible
6 9 manufacturers under the program.
LSB 1059XS (7) 84
tw/sc



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Senate File 146 - Introduced

SENATE FILE
BY DANDEKAR

(COMPANION TO LSB
1711HH BY HAGENOW)

A BILL FOR

1 An Act concerning driver education instruction by a teaching
2 parent.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1711SS (1) 84
dea/nh



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Senate File 146 - Introduced continued

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1 1 Section 1. NEW SECTION. 321.178A Driver education ====
1 2 teaching parent.
1 3 1. Teaching parent. As an alternative to the driver
1 4 education requirements under section 321.178, a teaching parent
1 5 may instruct a student in a driver education course that meets
1 6 the requirements of this section and provide evidence that the
1 7 requirements under this section have been met.
1 8 2. Definitions. For purposes of this section:
1 9 a. "Approved course" means driver education curriculum
1 10 approved by the department pursuant to rules adopted under
1 11 chapter 17A. An approved course shall, at a minimum, meet
1 12 the requirements of subsection 3 and be appropriate for
1 13 teaching=parent=directed driver education and related street or
1 14 highway instruction. Driver education materials that meet or
1 15 exceed standards established by the department for an approved
1 16 course in driver education for a public or private school shall
1 17 be approved unless otherwise determined by the department. The
1 18 list of approved courses shall be posted on the department's
1 19 internet site.
1 20 b. "Student" means a person between the ages of fourteen
1 21 and twenty=one years who is within the custody and control of
1 22 the teaching parent and who satisfies preliminary licensing
1 23 requirements of the department.
1 24 c. "Teaching parent" means a parent, guardian, or legal
1 25 custodian of a student who is currently providing competent
1 26 private instruction to the student pursuant to section
1 27 299A.2 or 299A.3 and who provided such instruction to the
1 28 student during the previous year; who has a valid driver's
1 29 license, other than a motorized bicycle license or a temporary
1 30 restricted license, that permits unaccompanied driving; and
1 31 who has maintained a clear driving record for the previous two
1 32 years. For purposes of this paragraph, "clear driving record"
1 33 means the individual has not been identified as a candidate for
1 34 suspension of a driver's license under the habitual offender
1 35 provisions of the department's regulations; is not subject to a



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2 1 driver's license suspension, revocation, denial, cancellation,
2 2 disqualification, or bar; and has no record of a conviction
2 3 for a moving traffic violation determined to be the cause of a
2 4 motor vehicle accident.
2 5 3. Course of instruction.
2 6 a. An approved course administered by a teaching parent
2 7 shall consist of but not be limited to the following:
2 8 (1) Thirty clock hours of classroom instruction.
2 9 (2) Forty hours of street or highway driving including
2 10 four hours of driving after sunset and before sunrise while
2 11 accompanied by the teaching parent.
2 12 (3) Four hours of classroom instruction concerning
2 13 substance abuse.
2 14 (4) A minimum of twenty minutes of instruction concerning
2 15 railroad crossing safety.
2 16 (5) Instruction relating to becoming an organ donor under
2 17 the revised uniform anatomical gift Act as provided in chapter
2 18 142C.
2 19 (6) Instruction providing an awareness about sharing the
2 20 road with bicycles and motorcycles.
2 21 b. The content of the course of instruction required under
2 22 this subsection shall be equivalent to that required under
2 23 section 321.178. However, reference and study materials,
2 24 physical classroom requirements, and extra vehicle safety
2 25 equipment required for instruction under section 321.178 shall
2 26 not be required for the course of instruction provided under
2 27 this section.
2 28 4. Course completion and certification. Upon application
2 29 by a student for an intermediate license, the teaching parent
2 30 shall provide evidence showing the student's completion
2 31 of an approved course and substantial compliance with the
2 32 requirements of subsection 3 by affidavit signed by the
2 33 teaching parent on a form to be provided by the department.
2 34 The evidence shall include all of the following:
2 35 a. Documentation that the instructor is a teaching parent as



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3 1 defined in subsection 2.
3 2 b. Documentation that the student is receiving competent
3 3 private instruction under section 299A.2 or the name of
3 4 the school district within which the student is receiving
3 5 instruction under section 299A.3.
3 6 c. The name of the approved course completed by the student.
3 7 d. An affidavit attesting to satisfactory completion of
3 8 course work and street or highway driving instruction.
3 9 e. Copies of written tests completed by the student.
3 10 f. A statement of the number of classroom hours of
3 11 instruction.
3 12 g. A log of completed street or highway driving instruction
3 13 including the dates when the lessons were conducted, the
3 14 student's and the teaching parent's name and initials noted
3 15 next to each entry, notes on driving activities including a
3 16 list of driving deficiencies and improvements, and the duration
3 17 of the driving time for each session.
3 18 5. Intermediate license. Any student who successfully
3 19 completes an approved course as provided in this section,
3 20 passes a driving test to be administered by the department,
3 21 and is otherwise qualified under section 321.180B, subsection
3 22 2, shall be eligible for an intermediate license pursuant
3 23 to section 321.180B. Twenty of the forty hours of street
3 24 or highway driving instruction required under subsection 3,
3 25 paragraph "a", subparagraph (2), may be utilized to satisfy the
3 26 requirement of section 321.180B, subsection 2.
3 27 6. Full license. A student must comply with section
3 28 321.180B, subsection 4, to be eligible for a full driver's
3 29 license pursuant to section 321.180B.
3 30 Sec. 2. Section 321.180B, subsection 2, paragraph a, Code
3 31 2011, is amended to read as follows:
3 32 a. The department may issue an intermediate driver's
3 33 license to a person sixteen or seventeen years of age who
3 34 possesses an instruction permit issued under subsection 1 or
3 35 a comparable instruction permit issued by another state for a



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4 1 minimum of six months immediately preceding application, and
4 2 who presents an affidavit signed by a parent, guardian, or
4 3 custodian on a form to be provided by the department that the
4 4 permittee has accumulated a total of twenty hours of street
4 5 or highway driving of which two hours were conducted after
4 6 sunset and before sunrise and the street or highway driving was
4 7 with the permittee's parent, guardian, custodian, instructor,
4 8 a person certified by the department, or a person at least
4 9 twenty-five years of age who had written permission from a
4 10 parent, guardian, or custodian to accompany the permittee, and
4 11 whose driving privileges have not been suspended, revoked,
4 12 or barred under this chapter or chapter 321J during, and who
4 13 has been accident and violation free continuously for, the
4 14 six-month period immediately preceding the application for an
4 15 intermediate license. An applicant for an intermediate license
4 16 must meet the requirements of section 321.186, including
4 17 satisfactory completion of driver education as required in
4 18 section 321.178 or 321.178A, and payment of the required
4 19 license fee before an intermediate license will be issued. A
4 20 person issued an intermediate license must limit the number of
4 21 passengers in the motor vehicle when the intermediate licensee
4 22 is operating the motor vehicle to the number of passenger
4 23 safety belts.

4 24 EXPLANATION

4 25 This bill allows a parent, guardian, or legal custodian who
4 26 is providing competent private instruction to a student to
4 27 teach the student driver education, provided the person has a
4 28 valid driver's license that permits unaccompanied driving and
4 29 has a clear driving record for the previous two years. The
4 30 classroom instruction requirements for the alternative course
4 31 of instruction are substantially the same as for an approved
4 32 course of instruction offered by a public school district or
4 33 private or commercial driver education school, with additional
4 34 requirements for 40, rather than 20, hours of street or highway
4 35 driving including night driving. The course of instruction



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5 1 must be a course approved by the department of transportation
5 2 by rule and utilize driver education materials that meet or
5 3 exceed standards established for driver education courses
5 4 approved for public or private schools. A list of approved
5 5 courses is to be posted on the transportation department's
5 6 website.
5 7 In order for the student to qualify for an intermediate
5 8 driver's license, the teaching parent is required to document
5 9 substantial compliance with the driver education course
5 10 requirements and furnish an affidavit attesting to the
5 11 student's satisfactory completion of the course work and street
5 12 or highway driving to the department of education.

LSB 1711SS (1) 84
dea/nh



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Senate File 147 - Introduced

SENATE FILE
BY KIBBIE

A BILL FOR

1 An Act providing for the delivery of a written communication by
2 a drainage or levee district.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2055SS (3) 84
da/sc



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Senate File 147 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 468.221 Written communication
1 2 delivered to the state or a local government.
1 3 1. This section applies whenever a board or county officer
1 4 acting under this chapter is required to deliver a written
1 5 communication to a state agency or local government. The
1 6 written communication includes but is not limited to a notice,
1 7 service of process, demand, statement, or a report.
1 8 2. The board or county officer may deliver the written
1 9 communication to any of the following:
1 10 a. For delivery to a state agency, to the administrative
1 11 head of the state agency or its governing body. The written
1 12 communication may also be delivered to a person designated by
1 13 the administrative head of the state agency or its governing
1 14 body. The written communication may be delivered to the
1 15 executive council if the administrative head of the state
1 16 government or its governing body cannot be determined.
1 17 b. For delivery to a local government, to the governing body
1 18 of the local government. The written communication may also
1 19 be delivered to a person designated by the governing body. As
1 20 used in this paragraph, "local government" includes a county,
1 21 city, township, or any special purpose district or authority.
1 22 EXPLANATION
1 23 RECOMMENDATION. This bill is based on a recommendation of
1 24 the levee and drainage district law study committee which met
1 25 in 2010.
1 26 LEVEE AND DRAINAGE DISTRICTS. The bill addresses levee and
1 27 drainage districts organized under Code chapter 468 and which
1 28 authorizes the removal of excess precipitation accumulating
1 29 on land and protecting land from surface water flooding. A
1 30 district is managed by a "board" which is the county board of
1 31 supervisors for a district established in one county, the joint
1 32 boards of supervisors in a district which crosses county lines
1 33 (intercounty districts), or by the district's landowners acting
1 34 through an elected board of trustees (Code Section 468.3(2)).
1 35 DELIVERY OF WRITTEN COMMUNICATION. The bill applies when



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Senate File 147 - Introduced continued

2 1 a board or county officer is required to deliver a written
2 2 communication to a state agency or local government. Under
2 3 the bill, the written communication may be delivered to the
2 4 administrative head of the agency or its governing body or to
2 5 a person designated by the administrative head or governing
2 6 body or alternatively to the executive council. The bill also
2 7 provides that written communication may be delivered to the
2 8 local government's governing body or to a person designated by
2 9 the governing body.

LSB 2055SS (3) 84

da/sc



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Senate File 148 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act relating to hospital admitting privileges for advanced
2 registered nurse practitioners.

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

TLSB 2185XS (1) 84

jr/nh



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Senate File 148 - Introduced continued

PAG LIN

1 1 Section 1. Section 135B.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3A. The rules shall require that a hospital
1 4 establish and implement written criteria to allow individual
1 5 advanced registered nurse practitioners to obtain admitting
1 6 privileges without a collaborating physician.

1 7 EXPLANATION
1 8 As part of the licensing requirements for hospitals, this
1 9 bill requires that the department of inspections and appeals
1 10 adopt rules that require hospitals to establish and implement
1 11 written criteria to allow individual advanced registered
1 12 nurse practitioners to obtain admitting privileges without a
1 13 collaborating physician.

LSB 2185XS (1) 84

jr/nh



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Senate File 149 - Introduced

SENATE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO SSB
1036)

A BILL FOR

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



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Senate File 149 - Introduced 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 and
 1 5 registered with the board of nursing, a physician assistant
 1 6 licensed under chapter 148C, or an optometrist licensed under
 1 7 chapter 154 may report to the department the identity of a
 1 8 person who has been diagnosed as having a physical or mental
 1 9 condition which would render the person physically or mentally
 1 10 incompetent to operate a motor vehicle in a safe manner. The
 1 11 physician, advanced registered nurse practitioner, physician
 1 12 assistant, or optometrist shall make reasonable efforts
 1 13 to notify the person who is the subject of the report, in
 1 14 writing. The written notification shall state the nature of
 1 15 the disclosure and the reason for the disclosure. A physician,
 1 16 advanced registered nurse practitioner, physician assistant, or
 1 17 optometrist making a report under this section shall be immune
 1 18 from any liability, civil or criminal, which might otherwise
 1 19 be incurred or imposed as a result of the report. A physician,
 1 20 advanced registered nurse practitioner, physician assistant,
 1 21 or optometrist has no duty to make a report or to warn third
 1 22 parties with regard to any knowledge concerning a person's
 1 23 mental or physical competency to operate a motor vehicle in
 1 24 a safe manner. Any report received by the department from a
 1 25 physician, advanced registered nurse practitioner, physician
 1 26 assistant, or optometrist under this section shall be kept
 1 27 confidential. Information regulated by chapter 141A shall be
 1 28 subject to the confidentiality provisions and remedies of that
 1 29 chapter.

EXPLANATION

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



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2 1 physician or optometrist disclosing the identity of a person
2 2 who has been diagnosed with a physical or mental condition
2 3 which would render the person incompetent to operate a motor
2 4 vehicle in a safe manner. A physician or optometrist who makes
2 5 such a report is required to attempt to notify the person who
2 6 is the subject of the report in writing, stating the nature
2 7 of the disclosure and the reason for the disclosure. The
2 8 reporting physician or optometrist is immune from civil or
2 9 criminal liability that might otherwise be incurred or imposed
2 10 as a result of the report.

2 11 This bill allows a licensed advanced registered nurse
2 12 practitioner who is registered with the board of nursing
2 13 or a licensed physician assistant to make the same kind of
2 14 report to the department regarding a diagnosis affecting a
2 15 person's ability to operate a motor vehicle. An advanced
2 16 registered nurse practitioner or physician assistant who makes
2 17 a report to the department has the same responsibilities and
2 18 protections that currently apply to a physician or optometrist
2 19 in connection with a report.

LSB 1835SV (2) 84

dea/nh



Iowa General Assembly
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Senate Joint Resolution 11 - Introduced

SENATE JOINT RESOLUTION
BY FEENSTRA

SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the political party
3 affiliations of the membership of the state judicial
4 nominating commission and district judicial nominating
5 commissions.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1795XS (4) 84
jm/rj



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Senate Joint Resolution 11 - Introduced continued

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

1 3 Section 16, unnumbered paragraph 3, of Article V of the
1 4 Constitution of the State of Iowa, as added by the Amendment of
1 5 1962, is amended beginning July 1, 2015, to read as follows:

1 6 Due consideration shall be given to area representation in
1 7 the appointment and election of judicial nominating commission
1 8 members. Appointive and elective members of judicial
1 9 nominating commissions shall serve for six-year terms, shall be
1 10 ineligible for a second six-year term on the same commission,
1 11 shall hold no office of profit of the United States or of the
1 12 state during their terms, ~~shall be chosen without reference to~~
~~1 13 political affiliation,~~ and shall have such other qualifications
1 14 as may be prescribed by law. No more than a simple majority of
1 15 the members appointed or of the members elected shall belong
1 16 to the same political party. As near as may be, the terms of
1 17 one-third of such members shall expire every two years.

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.

1 25 EXPLANATION

1 26 This joint resolution proposes an amendment to the
1 27 Constitution of the State of Iowa relating to the political
1 28 affiliation of the membership of the state judicial nominating
1 29 commission and district judicial nominating commissions.

1 30 The resolution specifies that the membership of the state
1 31 judicial nominating commission and the district judicial
1 32 nominating commissions shall not consist of more than a simple
1 33 majority from the same political party. The membership of
1 34 these commissions consists of an equal number of members
1 35 appointed by the governor and members elected by the bar. The



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2 1 most senior judge of each judicial district also serves on that
2 2 district judicial nominating commission and the most senior
2 3 justice, other than the chief justice, serves on the state
2 4 judicial nominating commission.

2 5 The state judicial nominating commission nominates persons
2 6 for appointment by the governor to the supreme court and court
2 7 of appeals and each district judicial nominating commission
2 8 nominates persons for appointment by the governor to the
2 9 district court bench.

2 10 The resolution, if adopted, would be referred to the next
2 11 general assembly (Eighty=fifth) for adoption before the
2 12 amendment is submitted to the electorate for ratification.

LSB 1795XS (4) 84

jm/rj



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Senate Study Bill 1084

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

A BILL FOR

1 An Act relating to social work, including the licensure of
2 social workers and the creation of a licensed social worker
3 loan repayment program and a revolving fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1154XC (6) 84
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1 1 Section 1. Section 154C.1, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 4A. "Social worker" means a person who
1 4 holds a current license under this chapter or has received a
1 5 baccalaureate, master's, or doctoral degree in social work from
1 6 an accredited school of social work approved by the council on
1 7 social work education.
1 8 Sec. 2. Section 154C.2, Code 2011, is amended by striking
1 9 the section and inserting in lieu thereof the following:
1 10 154C.2 License required ==== use of title.
1 11 1. A person shall not engage in the practice of social work
1 12 unless such person meets one of the following requirements:
1 13 a. Has received a baccalaureate, master's, or doctoral
1 14 degree in social work from an accredited school of social work
1 15 approved by the council on social work education.
1 16 b. Holds a current social worker license pursuant to section
1 17 154C.3.
1 18 2. A government entity, public or private agency, or other
1 19 entity shall not use the title "social worker" or any form
1 20 of the title, including but not limited to the abbreviations
1 21 "S.W.", "B.S.W.", "M.S.W.", "D.S.W.", "L.B.S.W.", "L.M.S.W.",
1 22 or "L.I.S.W.", for volunteer or employment positions or within
1 23 contracts for services, documents, manuals, or reference
1 24 materials unless the volunteers or employees in those positions
1 25 are licensed social workers as set forth in this chapter.
1 26 Sec. 3. Section 154C.3, subsection 1, Code 2011, is amended
1 27 to read as follows:
1 28 1. License requirements. An applicant for a license as a
1 29 bachelor social worker, master social worker, or independent
1 30 social worker shall meet the following requirements in addition
1 31 to paying all fees required by the board:
1 32 a. Bachelor social worker. An applicant for a license as a
1 33 bachelor social worker shall present evidence satisfactory to
1 34 the board that the applicant:
1 35 (1) Possesses a bachelor's degree in social work from an



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2 1 accredited ~~college or university~~ school of social work approved
2 2 by the ~~board~~ council on social work education.
2 3 (2) Has passed an examination given by the board.
2 4 (3) Will conduct all professional activities as a bachelor
2 5 social worker in accordance with standards for professional
2 6 conduct established by the board.
2 7 b. Master social worker. An applicant for a license as a
2 8 master social worker shall present evidence satisfactory to the
2 9 board that the applicant:
2 10 (1) Possesses a master's or doctoral degree in social work
2 11 from an accredited ~~college or university~~ school of social work
2 12 approved by the ~~board~~ council on social work education.
2 13 (2) Has passed an examination given by the board.
2 14 (3) Will conduct all professional activities as a master
2 15 social worker in accordance with standards for professional
2 16 conduct established by the board.
2 17 c. Independent social worker. An applicant for a license
2 18 as an independent social worker shall present evidence
2 19 satisfactory to the board that the applicant:
2 20 (1) Possesses a master's or doctoral degree in social work
2 21 from an accredited ~~college or university~~ school of social work
2 22 approved by the ~~board~~ council on social work education.
2 23 (2) Has passed an examination given by the board.
2 24 (3) Will conduct all professional activities as a social
2 25 worker in accordance with standards for professional conduct
2 26 established by the board.
2 27 (4) Has engaged in the practice of social work, under
2 28 supervision, for at least two years as a full-time employee or
2 29 for four thousand hours prior to taking the examination given
2 30 by the board.
2 31 (5) (a) Supervision shall be provided in any of the
2 32 following manners:
2 33 (i) By a social worker licensed at least at the level of the
2 34 social worker being supervised and qualified under this section
2 35 to practice without supervision.



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3 1 (ii) By another qualified professional, if the board
3 2 determines that supervision by a social worker as defined
3 3 in subparagraph subdivision (i) is unobtainable or in other
3 4 situations considered appropriate by the board.

3 5 (b) Additional standards for supervision shall be
3 6 determined by the board.

3 7 Sec. 4. NEW SECTION. 261.113 Licensed social worker loan
3 8 repayment program.

3 9 1. A licensed social worker loan repayment program is
3 10 established, to be administered by the college student aid
3 11 commission for the purpose of increasing the number of social
3 12 workers serving in critical human service areas. For purposes
3 13 of this section, "critical human service area" includes but
3 14 is not limited to an area of the state with a shortage of
3 15 social workers providing health, mental health, substance
3 16 abuse, aging, HIV/AIDS, victim, or child welfare services,
3 17 or communities with multilingual needs. These areas shall
3 18 be designated by the college student aid commission, in
3 19 consultation with a committee comprised of one representative
3 20 each from the commission, the department of public health, and
3 21 the department of human services.

3 22 2. The contract for the loan repayment shall stipulate the
3 23 time period the licensed social worker shall practice in a
3 24 critical human service area. In addition, the contract shall
3 25 stipulate that the licensed social worker repay any funds paid
3 26 on the person's loan by the commission if the person fails to
3 27 practice in a critical human service area for the required
3 28 period of time.

3 29 Sec. 5. NEW SECTION. 261.114 Licensed social worker loan
3 30 repayment revolving fund.

3 31 1. A licensed social worker loan repayment revolving fund
3 32 is created in the state treasury as a separate fund under
3 33 the control of the commission. The commission shall deposit
3 34 payments made by program participants under section 261.113,
3 35 subsection 2, moneys appropriated for purposes of the licensed



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4 1 social worker loan repayment program, and any other available
4 2 funds into the loan repayment revolving fund. Moneys in the
4 3 fund shall be used for purposes of the licensed social worker
4 4 loan repayment program. Notwithstanding section 8.33, moneys
4 5 deposited in the fund shall not revert to any fund of the state
4 6 at the end of any fiscal year but shall remain in the fund and
4 7 be continuously available for the program.

4 8 2. Notwithstanding section 12C.7, subsection 2, interest
4 9 or earnings on moneys deposited in the fund shall be credited
4 10 to the fund.

4 11 3. a. The annual amount of loan repayment is six thousand
4 12 five hundred dollars for individuals who have provided
4 13 full-time social work services in a critical human service
4 14 area in the year prior to such application, provided that
4 15 no recipient shall receive loan repayment that exceeds the
4 16 total remaining balance of the student loan debt and that
4 17 no recipient shall receive cumulative awards in excess of
4 18 twenty-five thousand dollars.

4 19 b. Awards shall be within the amounts appropriated for such
4 20 purpose and based on availability of funds.

4 21 4. Loan repayment awards shall be made annually to
4 22 applicants in the following order of priority:

4 23 a. First priority is given to applicants who have received
4 24 payment of an award pursuant to this section in a prior year
4 25 and who have provided social work services in a critical human
4 26 service area in the year prior to such application.

4 27 b. Second priority is given to applicants who have not
4 28 received payment of an award pursuant to this section in
4 29 a prior year and who have provided social work services
4 30 in a critical human service area in the year prior to such
4 31 application.

4 32 c. Third priority is given to applicants who are
4 33 economically disadvantaged, as defined by the commission.

4 34 5. The commission shall adopt rules pursuant to chapter 17A
4 35 to administer this section.



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5 1

EXPLANATION

5 2 This bill provides that only a person who is a licensed
5 3 social worker and has received a baccalaureate, master's,
5 4 or doctoral degree in social work from an accredited school
5 5 approved by the council on social work education may use the
5 6 title "social worker" or any form or abbreviation of the title.

5 7 The bill creates a licensed social worker loan repayment
5 8 program administered by the college student aid commission.
5 9 Applicants for the program must enter into an agreement with
5 10 the commission, agreeing to work for a specific period of time
5 11 in a "critical human service area", defined as a geographic
5 12 area in Iowa with a shortage of social workers in health,
5 13 mental health, substance abuse, aging, HIV/AIDS, victim, or
5 14 child welfare concerns, or communities with multilingual needs.

5 15 The program provides a specific annual benefit, up to
5 16 \$6,500, for licensed social workers who have worked in a
5 17 critical human service area in the previous year. No recipient
5 18 shall receive loan repayment that exceeds the total remaining
5 19 balance of the student loan debt and no recipient shall receive
5 20 cumulative awards in excess of \$25,000.

5 21 The program is funded by a special revolving fund in
5 22 the state treasury, controlled by the college student aid
5 23 commission. The fund consists of moneys appropriated for
5 24 purposes of the program, repayments by participants who fail
5 25 to meet the service area requirements, and any other available
5 26 moneys. Moneys deposited in the fund do not revert to the
5 27 state at the end of any fiscal year but shall remain in the fund
5 28 and be continuously available for the program. Interest or
5 29 earnings on moneys deposited in the fund shall also be credited
5 30 to the fund.

LSB 1154XC (6) 84

jr/nh



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Senate Study Bill 1085

SENATE FILE
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON DANDEKAR)

A BILL FOR

1 An Act relating to indemnification provisions in construction
2 contracts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2087SC (2) 84
je/rj



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Senate Study Bill 1085 continued

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1 1 Section 1. NEW SECTION. 537A.5 Indemnity agreements ====
1 2 construction contracts.
1 3 1. As used in this section:
1 4 a. "Construction contract" means a public, private, foreign,
1 5 or domestic contract or agreement relating to the construction,
1 6 alteration, repair, or maintenance of any real property in
1 7 this state and includes agreements for architectural services,
1 8 demolition, design services, development, engineering services,
1 9 excavation, or other improvement relating to real property,
1 10 including buildings, shafts, wells, and structures, whether on
1 11 ground, aboveground, or underground.
1 12 b. "Indemnify" or "hold harmless" includes any requirement
1 13 to name the indemnitee as an additional insured in the
1 14 indemnitor's insurance coverage.
1 15 c. "Lower=tier party" means a party to the contract that
1 16 acts as a subcontractor, specialty contractor, or supplier.
1 17 d. "Upper=tier party" means a party to the contract that
1 18 acts as a general contractor.
1 19 2. A provision in a construction contract that requires
1 20 one party to the contract to indemnify, hold harmless, insure,
1 21 or defend the other party to the contract, including the other
1 22 party's officers, employees, or agents, against liability,
1 23 claims, damages, losses, or expenses, including attorney
1 24 fees, arising out of bodily injury to persons or damage to
1 25 property caused by or resulting from, in whole or in part,
1 26 the negligence, act, or omission of the indemnitee or the
1 27 officers, employees, or agents of the indemnitee, is void and
1 28 unenforceable as contrary to public policy.
1 29 3. A construction contract may contain a provision
1 30 requiring indemnity, but such a provision shall be enforced
1 31 only to the extent that the provision requires either of the
1 32 following:
1 33 a. One party to the contract to indemnify, hold harmless,
1 34 or insure the other party to the contract, including the other
1 35 party's officers, employees, or agents, against liability,



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3 1 This bill relates to indemnification provisions in
3 2 construction contracts.
3 3 The bill provides that a provision in a construction
3 4 contract which requires one party to the contract to indemnify
3 5 the other party against claims based on acts or omissions
3 6 of the party being indemnified is void and unenforceable as
3 7 contrary to public policy. The bill provides that an indemnity
3 8 provision in a construction contract is enforceable if it
3 9 requires one party to the contract to indemnify the other
3 10 party against claims based on acts or omissions of the party
3 11 providing the indemnification, or if it requires a party
3 12 to purchase a project-specific insurance policy, including
3 13 an owner's or contractor's protective insurance, project
3 14 management protective liability insurance, or builder's risk
3 15 insurance. The bill does not apply to the indemnity of a
3 16 surety by a principal on any surety bond or to an insurer's
3 17 obligation to its insureds.
3 18 The bill defines a "lower-tier party" to a contract to mean
3 19 a party to the contract that acts as a subcontractor, specialty
3 20 contractor, or supplier. The bill defines an "upper-tier
3 21 party" to a contract to mean a party to the contract that
3 22 acts as a general contractor. The bill provides that if
3 23 an upper-tier party to a construction contract is named as
3 24 an additional insured or additionally named insured on a
3 25 commercial general liability or similar liability policy of
3 26 insurance of a lower-tier party to a construction contract,
3 27 the coverage to the upper-tier party is limited to the cost
3 28 of defense and vicarious liability, and the policy will not
3 29 extend coverage for the upper-tier party's negligence. The
3 30 bill provides that if a court action or other binding dispute
3 31 resolution proceeding is brought against an upper-tier party
3 32 for personal injury by an employee of a lower-tier party
3 33 to a construction contract, and it is determined that the
3 34 upper-tier party to the construction contract has no liability
3 35 to the employee other than vicarious liability, the upper-tier



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4 1 party has a claim of indemnity for all costs associated with
4 2 defending the action against any party in the contractual chain
4 3 determined to have any liability for the personal injury.
4 4 The bill provides that any liability of the employee for the
4 5 employee's own personal injury shall be attributed to the
4 6 employee's employer for purposes of such an action. The bill
4 7 provides that such an indemnification obligation will be joint
4 8 and several among the parties found liable for the personal
4 9 injury.

LSB 2087SC (2) 84

je/rj